1891-020 Chancery Causes: Charles Taylor trustee &c vs. M. D. L. F. Yeary &c
Lee Co

folder 1 of 2

Barker, Bailey, Davis, Covey, Bales, McKee, Flanary,
Blankenship, Smith

1 Plat

CA-Estate Dispute
T-Property

Will: 1881: Henry H Yeary: Lee County

-Deed

To the Hon. H. S. K. Morison Judge of the Circuit Court of Lee County Virginia:

The bill of complaint of Charles Taylor, Rachael Taylor his wife Elizabeth Barker, Rubin Taylor, Margaret Taylor his wife Wm D. Geary, Robert J. Bailey and Mary E. Bailey his wife Henry J. Davis Rachael M. Davis his wife. the last ~~four~~ two of whom are heirs at law of Henry M. Geary decead Noble Covey, Charles D. Covey, Wm Bales and Polly Bales his wife the last four of whom are heirs at law of Malinda Covey decead. who would humbly represent, that they are heirs at law of one Henry Geary deceased, who be fore his death made and published his last will and Testament, a copy of which accompanies this bill marked A. and is prayed to be considered as part hereof. The other heirs and legatees under said will, are Rosa Smith wife of Jonathan L. Smith John R. Geary and M. D. L. Geary

and Benjamine F. McKee, an only son of Malinda T. McKee who afterwards intermarried with - Covey and is now deceased, leaving the Covey heirs her heirs at law.

By an inspection of said Will it will be seen, that said Benj. F. McKee was to have an equal part with the other heirs if he remained with the family and was dutiful - your complainant charge that he did not remain and was dutiful and that therefore he is not entitled to take under said will.

By the fourth clause of said will it is provided by the testator that Wm D. Geary shall be made equal with the others in property with the exception of a horse

By the fifth clause it is provided that Elizabeth M. Barker, Malinda T. McKee (mother of the Covey heirs) Peggy T. Taylor, wife of Rubin, Rachael M. Taylor wife of Charles T. Wm D. Geary and Henry M. Geary, ancestor of Mrs Baily Smith & David and Marcus L. F. Geary receive

each two hundred dollars before John R. Geary receive any further portion. And finally the testator requested his wife Ruth if she could during her life, to make up any or all these sums and that at her death, that all his heirs be made equal out of his real and personal estate.

The wife several years ago and before she had paid any of these legacies became demented and unable to take charge of her property and one of your complainants Charles Taylor, and M. D. L. F. Geary qualified as her committee and rented out her property, wound up the estate and after paying expenses paid over to her heirs the balance, so that no part of the two hundred dollar legacy has ever been paid to any of the heirs.

The said Henry Geary at the time of his death, and that of his wife Ruth, for she is now also dead, left a valuable farm on Sugar run in this County worth probably $5000.00 of

which no partition has as yet been made; nor can the same be properly done as they are advised until an account is taken, so as to ascertain the advancement made to each so as to bring them up to John R. Geary - and they charge that there is no personal estate out of which equalization can be made but that the same must be done out of the lands. The personal representatives of the said Henry Geary are,

who are made parties hereto that their accounts may be settled and adjusted.
The object of this bill therefore is to have an account of the advancement to each of said heirs, to have the said legacy paid to those entitled thereto; and all the heirs made equal to John R. Geary, and then that partition be made of said lands among those entitled, thereto.

your Complainant would state that Jonathan L. Smith and Rosa his wife, have sold their interest to M. D. L. F. Geary and that Robert Bailey & wife and perhaps Davis & wife have sold all of their interest except that of the $200. legacy. The premises considered therefore your Complainant pray that M. D. L. F. Geary, John R. Geary Benj. F. McKee, ~~Tom Bales and Polly Bales and~~ and Rush D. Flanary Sheriff admr, of the estate of Henry Geary dec'd the personal representatives be made parties to this bill and answer its allegations on oath and on a hearing a decree be rendered, equalizing all the heirs, giving the legacy to those who are entitled thereto, and making equal partition of said lands among those entitled thereto. And for all other further and general relief - May subpoena issue &c.

A. L. Prudence

p. q.

Cha Taylor & wife et al

vs Bill Chy

M. D. L. H. Geary et al

Filed June Rules Bill
filed Sheriff on behalf
of Pl & E. R. as to their
answer Rule as to non resi-
dents June Rules Order for C.
Filed Rules D. & Contd
Contd
Rules
Filed & Contd
Filed Rules
Left Decree Contd
Decr. " "

1871 Mon Reinstated
Decree & Contd
Decree

Costs 6 15
Costs 48 00
8 00
10 00
8 50 Paid
Costs 17 00
Co 2 50
50

1 00
59 off for addition of land
1 00 Paid by eq. my wife
1 00
7 00

Co 6 12
$49 47

To the honorable H. S. K. Morison Judge
of the Circuit Court of Lee County Virginia.
The demurrer and answer of M. L. Yeary,
(in the bill called M. D. L. F. Yeary) to a bill
filed in this honorable Court against
him and others by Charles Taylor & others.
This respondent says that the bill of the
plaintiffs is not sufficient in law, and
of this he prays the Judgment of the Court &c.
But if mistaken in this, answering he says,
It is true his father, Henry Yeary departed
this life many years ago, having made
and published his last will & testament.
and leaving his heirs Eligabeth, who married
Wallace Barker, Rachael who married the
said Charles Taylor, Margaret who married
Rulin Taylor, Wm D Yeary, Henry M Yeary
who died leaving Mary E Bailey & her husband
Robert J Bailey and Rachael M Davis and her
husband Henry J Davis his heirs, Malinda
who married Wm McKey by whom she had
one son, Benj F McKey, who had a daughter
Rosa, who is now the widow of Jonathan L
Smith deceased, and the said Wm McKee & Benj F
McKee having both died, the said Malinda,
now also deceased, afterwards married Alfred
Carey, by whom she became the mother of
Noble Carey, Charles D Carey, & Polly Carey
who married Wm Bales, John R Yeary and

this respondent, to whom his estate descended under his said will, subject to the provisions therein contained. It is true that the said Benj. F. McKee did not remain with the family and was not dutiful, so as to entitle himself to the legacy provided for him in said will, but his surviving daughter Rosa Smith is, as your respondent is advised, entitled to one fourth of the share of her grand mother, Malinda Carey dec'd, in said estate. Your respondent alleges that all of said heirs have been made equal in property &c, as provided in said will, except as to the two hundred dollars bequeathed to the others to make them equal with John R, and no account of advancements is necessary except as to said $200.00 legacy.

It is true that respondents mother, Ruth Geary, who died March 1889, became demented several years ago, and he and the said Charles Taylor were appointed a committee to take charge of her estate, and did so, the said Taylor, however, taking personal or individual control, and into his hands all the said estate ~~and~~ proceeds thereof went, and if the said Taylor has paid out the said estate and proceeds to the heirs of the said Ruth Geary deceased, the same was done without the consent of this respondent, and the same

should have been paid, as he is advised, to those entitled to the two hundred dollars, or their vendees. It is true the said Henry Yeary, at his decease, left a valuable farm and some personal property, which was occupied and used by his widow, or her Committee, during her life, the personal property being used in part to make up certain heirs equal with the others in property &c as provided in said will, and a portion of said personalty went into the hands of said Yeary's administrator and was paid over to the Committee of said Ruth by said Asher, and the land was rented out by said Committee from and including the year 1882, to and including the present year, 1889, and all this fund, together with the personal estate left by the said Ruth Yeary deceased, went into the hands of the said Charles Taylor, and should now be available for distribution among the heirs of said Henry Yeary deceased, or their vendees, toward equalizing them on the $200 legacy, but should said sum be insufficient to thus equalize said heirs, or their vendees, then the residue will have to be provided for out of the real estate, and your respondent here joins with the plaintiffs in their prayer for partition of said real estate, after an account

and distribution of the funds in said Taylor's hands have been had as aforesaid.

Your respondent will now shew unto your honor that he is the owner of his own share in said estate, by inheritance, and that he is the owner, by purchase, of the shares or interests of Elizabeth Barker, Wm D. Geary, John R Geary, Robert J Bailey & wife, Henry J Davis & wife and Rosa Smith being 5/8 and 1/8 of 1/8 and leaving the said Charles Taylor & wife and Julia Taylor & wife the owners of 1/8 each and the Coney heirs the owners of 3/4 of 1/8 of said estate; and that he is entitled, under his said purchases, to the interests of his said vendors in said real estate, and the issues rents & profits thereof, including the interest of each in the two hundred dollar legacy, as there was no personal estate out of which the same could be paid, except perhaps the sum of $50.06 turned over to said Taylor by the Admr. of Henry Geary deceased, leaving the said legacies to be raised out of the real estate or the rents thereof. The deeds from respondents said Vendors will be filed hereunto, marked "1", "2", "3" & "4", respectively. ~~Respondent is the owner of other lands adjoining the said real estate and he alleges that his interests in said real estate can be bid off adjoining his other lands without material injury to the rights &~~

~~interests of others, and this he asks to be done~~. And now having fully answered the Complainants bill this respondent prays hence to be dismissed with his reasonable costs in this behalf expended, and he will ever pray &c.

J. M. Morgan & Richmond & Orr.
for respondent.

Verified

Lee County, to wit:

This day M L. Geary personally appeared before me and made oath in due form that the statements made in the foregoing answer so far as they depend upon his own knowledge are true and so far as they depend upon information derived from others he believes them to be true.

Given under my hand this 5th Sept, 1877

J. A. Hardgett clerk

M. L. Geary
adv
Answer
Chas. Taylor & others
Filed in open
Court by leave
Sept 3 1889
J. H. Styatt c.c.

Chas. J. Taylor & wife Complts
against
M. D. L. Geary et als Defts } In Chy

This cause came on finally to be heard upon the papers formerly read in the cause, and was argued by Counsel, and it appearing to the Court that the defendant M. D. L. Geary has fully paid the general sums of chancery
Costs decreed against him in the cause, and there being nothing further to be done in the cause the same is ordered to be stricken from the docket.

I, D. L. G. Hyatt do solemnly swear that I have knowledge of the fact that M. D. L. Geary has fully paid the several sums of money & costs decreed against him in the Chancery Cause of Chas J. Taylor & wife against said Geary & others. So help me God.

D. L. G. Hyatt

Subscribed & sworn to before me this September 3rd 1871.

James A. Orr, Comr
in Chancery Lee Co
Ga.

C. J. Taylor & wife
vs } Decree Final
M. L. Quary & als.

Enrolled Decree
C.B. page 344-5
Sept. 3rd 1891.
J. A. L. Aydelotte

Enter this decree
M. L. K. M.
Sept 3rd 1891.

Charles Taylor & wife et al
against
M. D. L. Geary et al } In Chy

This cause came on this day again to be heard upon the papers formerly read in the cause & the notice of Charles Taylor & wife et al against M. D. L. Geary returnable to this the 5th day of the present term moving a correction of the decree in this cause rendered December the 4th 1898 as to errors as to the taxation of costs & was argued by counsel on consideration whereof & by an inspection of the decree of December the 4th 1898 it appears to the Court there are errors therein; it is therefore adjudged ordered & decreed that said decree be & the same is hereby corrected altered & changed so as to read, "the plaintiffs in said cause is adjudged to recover against M. D. L. F. Geary, John A. Geary, Benjamin F. McGee the costs of this suit except the costs of partition

which shall be borne equally by the parties in the proportion to the interests in the costs of the land assigned to each ~~such as~~ them, And it not appearing what action, if any comr. E. W. Pennington has taken under a former decree of this court he will report to the Court at its next term whether or not he has made sale of said land or whether or not the said M. D. L. F. Gary has paid the sums heretofore decreed against him, & the clerk of this court will tax the costs of this suit against the parties properly chargable therewith & execution may issue therefor & no further action being necessary the cause is Continued.

Charles Taylor & wife et al

vs } Decree

M. D. L. Tyson et al

April 5. 1891.

Entered in Chancery
Book 5 p. 9 April 3/91

Entered this
April 5th 1891
H. S. Kilby

C. J. Taylor & wife et als
against
M. D. L. Geary et al.

In Chy

This cause came on this day again to be heard upon the papers formerly read, and the reports of C. C. Elliott, E. S. Woodward & A. P. Wynn, filed Nov 18th, 1890; and the report of John A. G. Hyatt filed Nov. 20th 1890, to neither of which said reports there are exceptions - And the cause being argued by Counsel, the Court doth adjudge order and decree that, that said reports and each of them are confirmed and made final, and the parties are decreed to hold in fee free from the claims of each other the lots of land assigned them by the first named report herein, and the clerk of this Court will furnish to the clerk of the County Court, the decree in this cause directing partition said report & plat, and so much of this decree as confirms the same, to be by said County Court

to be by him recorded in the book kept by him for the recordation of deeds - after which he will return the same ~~back~~ to the clerk of this Court to be by him filed in the proper place.

It is further adjudged ordered & decreed that Elizabeth Barker recover from M. D. L. Yeary the sum of $166.25: That W. D. Yeary recover the like sum of $166.25 That Robert J. B[illegible] & wife recover from said M. D. L. Yeary the sum of $83.12½; and Henry J. Davis & wife recover the like sum of $83.12½ from said M. D. L. Yeary - That Rasa B. Smith recover from M. D. L. Yeary the sum of $41.56¼ - And these sums are decreed to be a lien upon the lot of land assigned said M. D. L. Yeary; and unless he pays the same within sixty days from the rising of this Court then E. W. Dannyton who is hereby appointed a special commissioner for the purpose will sell by public out cry

at the front door of the Court House so much of said land on a credit of 6 + 12 months as will pay the same; he will require the cost ~~and~~ expense to be paid in hand, and for the residue take bond made payable to himself as Comr bearing interest from day of sale with good personal security ~~bond~~

But before proceeding to execute this decree said Commissioner will ~~execute~~ executed in a penalty of one thousand dollars conditioned to duly perform this decree - He will then advertise the ~~same for at least 30 days~~ time terms & place of sale for at least 30 days on the front door of the Court House of this County and in the neighborhood where the land lies - He will ~~make~~ hat his action to this Court at its next term. And it adjudged ordered and decreed, that the defendants recover the costs of this suit except the costs of partition which shall be borne, equally by all the

Chas. T. Taylor & wife

vs

Decree

M. D. L. Yeerset et al

Dec. 7, 1840

Recorded in Lib.
3 page 312-13.
Recorded Dec
15 1843

Entered this
Dec. 4th 1840
H. S. Kyle

Whereas it is provided by the
Contract aforesaid that any dispute
arising in connection

Charles T. Taylor & wife et als pltffs
against
M. D. L. Geary et als. deft's
In Chy

This cause came on this day to be heard upon the papers formerly read, and the report of John A. G. Hyatt filed March 13th. 1890 - And exceptions thereto by defendants.

And was argued by counsel, on consideration of which and for reasons appearing to the court said exceptions are overruled in so far as they are inconsistent with the following decree And thereupon it is adjudged ordered & decreed, that the deed of John R. Geary to M. D. L. Geary conveys to him all the right title and interest in & to the real estate & personal estate in any wise due the said John R. Gear and the said M. D. L. Geary has right & title thereto. But the court is of opinion and so orders and decrees that the deeds of Barker & wife, Bailey & wife and other legatees

in said report mentioned does not convey the legacy, but that such of said legatees, are entitled thereto - But as the said legatees are also the owners of 1/8 of said realty out of which the same is to be paid, it is adjudged ordered & decreed that such legatees as have conveyed their real estate are not entitled to enforce the same against the share of land pro rata share so sold by them, and such share so sold by them is declared free from the same to the extent above indicated i.e. 1/8 of said legacy - But the residue of the land owned by the heirs & devisees is declared liable for 7/8 of such unpaid legacy, and the lands in the bill mentioned are adjudged to be bound & held liable therefor - And such of said legatees as have not so sold their real estate, are deemed to be entitled to the same, and said land held liable therefor, but as 1/8 said land is owned by each heir such legatee is only entitled to recover from the other his co-heirs 7/8 of such legacy and the said lands so belonging to the other heirs is hereby adjudged to

liable to the payment thereof.
It is therefore adjudged ordered and decreed that Charles J. Zeigler's wife, Rachael Zeigler, is entitled to her legacy of $200.00 1/8 of which is to be paid by herself, - That Elizabeth Baker is entitled to her legacy of $200.00 1/8 of which is not entitled to enforce against said land but must account for herself. That Margaret Zeigler wife of Rubin Zeigler, H. D. Zeigler, Mary E. Baily wife of Robert Baily, Henry J. Davis, wife, Rachel M. Davis the heirs at-law of Henry M. Zeigler dec'd, the heirs of Malinda Covy deceased viz: Noble, Charles D. Covey & Polly Bales wife of Wm Bales, each, set of heirs are entitled to said legacy as provided for the others - And that Rosa Smith wife of Jonathan L. Smith is also entitled as to others herein above named.
It further adjudged ordered and decreed that unless these sums be paid within twenty days from the rising of this Court then that

who is hereby appointed a special Commissioner for the purpose to sell the land in the bill mentioned (~~which sale of the whole tract is by agreement of the parties~~) He will sell the same some Court day in front of the Court House door to the highest bidder on a credit of 6, 12, & 18 months, except so much as is necessary to pay the costs of suit & sale which will be required to be paid in hand for the residue he will take bonds bearing interest from day of sale made payable to himself with good personal security. But before proceeding to make sale he will execute before the Clerk of this Court a bond in the penalty of $, conditioned to duly perform the duties hereunder. He will then advertise the same for at least 20 days on the front door of the Court House in the neighborhood where the land lies setting out time, terms & place of sale. He will report his action to this Court & the cause is continued.

20 days

(2)

it appears that Amy M. Yeary & Melinda Hetticker are dead & that legacy to each of them is personal it is adjudged that the bill be amended so as to make said adm.rs parties & that each of the devisees who hold or have conveyed the interest in said land be credited with 1/8 thereof as received by them respectively on said legacy for each full 1/8 share of said real as held by them & it is ordered that Com.r Hyatt so return in report so to conform to the views herein expressed showing what is due each & on what shares it is chargeable & Chas. B. Elliott Ellen H. Woodward & A. P. Myers who only appeared com.rs when dist. it is to partition the land in the bill mentioned have due regard to water ways harbors & convenient spring to each his land adjoining any he may own if the same can be done without injury to the heirs till the coming in of which report this cause is continued

(1)

8/190
2 3 4/9

and it appearing from Comr's report, report that there came in the hands of the administrator of Ruth Yeary from rents of land accruing during the life of said widow Ruth Yeary & after the death of testator it is adjudged ordered & decreed that said fund is the estate of Ruth Yeary deceased & ~~decreed~~ to be distributed except $50.00 paid to a debt of Henry Yeary deceased of $20.00 rents received after death of said Ruth Yeary which it is ~~decreed~~ shall be applied to the payment of the legacies equally, & it also decreed that Elizabeth M Boston, Melinda T McCoy Peggy T Taylor, Robert M Taylor, William Yeary, Henry M Yeary & Morgan L T Yeary were each entitled a legacy of $200.00 each which is a charge on the realty which descends to them respectively and that Morgan L T Yeary has acquired by purchase the shares of W D Yeary, John R Yeary & wife, B W Boston & wife, Robert J Bailey & wife, Henry J Davis & wife, Rosa B Smith, Nicholas B Smith, Leonard L Smith & Eugenia B Smith in the realty of said Henry M Yeary deceased & ~~that said~~ ~~Morgan L T Yeary~~

(2)

C. J. Taylor
vs
Lenore

M. L. Yeary
Sept. 5. 1890

Central Chay
O. B. page 296
Jobes Hyatt C

C. J. Taylor & wife & als Pltffs
against
M. D. L. Guary et als Defts. } In Chy.

By consent of parties this cause is made a vacation cause, and the decree rendered therein is to be as effective and binding as if rendered in term and the cause is continued.

Chas P. Taylor & wife + als

vs } Decree

M. D. L. Cleary et als

March 7, 1890

Entered Chancery

O.B. 262.

Apr 2, 1890

J. A. G. Hyatt
Clerk

Enter this order

H. L. K. M.

April 2nd 1890.

Charles T. Taylor wife et al
against
M. D. L. Geary et al.

This cause came on again this day to be heard upon the papers formerly read, and the report of John A. G. Hyatt Comr. filed in this cause filed Nov. 15. 1889, to which there are no exceptions - and was argued by Counsel - On consideration of which and for reasons appearing to the Court it is adjudged ordered and decreed that said Comr. Hyatt, ascertain and report what legacies if any are due the pltffs or defendant, how much if any has been paid on either of said legacies, to whom the same is now due, what interest each of said parties has in said land, and whether or not sale will have to be made thereof to pay the same; whether or not the whole tract should be sold, or can conveniently be partitioned, and whether or

not the pltff Robert J. Bailey or wife or any of the other parties when they sold their interest in said land also sold their legacy to M. D. L. Geary or retained the same. He he will report any facts deems pertinent by himself or required by either party to the next term of this Court & the cause is continued.

Chas. T. Lupton
Atty for Deft

Received
M. D. L. Geary
Sept. 7 1868
Contents Chas
C. D. pages, 24
Cents paid
Clerk Deft

Entered this
Sept. 7
1868
W. H. Nim

Charles Taylor & others Plffs
against
M. L. Geary & others Deftd } In Chancery.

This cause came on to be heard upon the bill of the plaintiffs and exhibit therewith, and the answer of the defendant M. L. Geary, and the exhibits therewith, with general replication thereto, and was argued by counsel. And it appearing to the Court that process has been executed on the home defendants and order of publication made, posted, published and completed against the nonresident defendant the time required by law, and all of the defendants failing to appear, except the said M. L. Geary, the bill is taken for confessed against said defendants ~~failing to~~ not appearing.

On consideration thereof it is adjudged, ordered and decreed that J. A. G. Hyatt, one of the Commissioners of this Court, do state and settle the account of R. D. Flenery admr. of the estate of Henry Geary deceased ~~and the account of Charles Taylor administrator of the estate of Burton Geary deceased and also the account of said Charles Taylor and M. L. Geary Committee for the said Burton Geary and~~ showing the amount in the hands of ~~said~~ ~~and from~~ ~~time to time~~ ~~distribute the~~

See order of ~~[illegible]~~ of ~~[illegible]~~ Court ~~[illegible]~~

[illegible] the [illegible] with re-
-spect to his action to the next term of the Cont
-inual the Cause is Continued.

Chas Taylor & others
vs } Decree No 1.
M. L. Gunn et al
Court of Chancery
No 225.

Enter this decree
[illegible]
Sept 4 1859

Virginia

At a circuit Court continued and held for Lee County at the Court House thereof September 6th 1878

C. J. Taylor & wife et al. Plffs

vs

M. D. L. Yeary et al. Defts

In Eqy

And C. C. Elliott E. S. Woodward and A. D. Wynn are hereby appointed Commissioners whose duty it is to partition the land in the bill mentioned having due regard to water, ways, timber and conveniencies assigning to each his land adjoining any he may own if the same can be done without prejudice to other heirs and until the coming in of said report this cause is continued.

A Copy

Teste J. H. Wyatt C.

C. D. Fairlee
vs
Copy of
Subpoena
R. D. & Ozem

Executed by
delivering office
Copies of this subpoena
to C. C. Elliott, Esq.
Woodward and
J. P. Wynn —
Nov. 6th 1890, this
Nov. 8th 1890.
W. T. Spinks Deputy
Sen. A. B. Murray S.L.C.
See Rec. Book P. 368.
C. Jan. 5th 1891

C. C. Blankenship personally appeared before me and made oath in due form, that Benj F. McRae, defendant in the chancery cause of Charles Layton et al vs M. D. L. F. Yeary et al, is a non resident of this State. July 2nd 1889

J. A. Lightfoot clerk

Charles Taylor

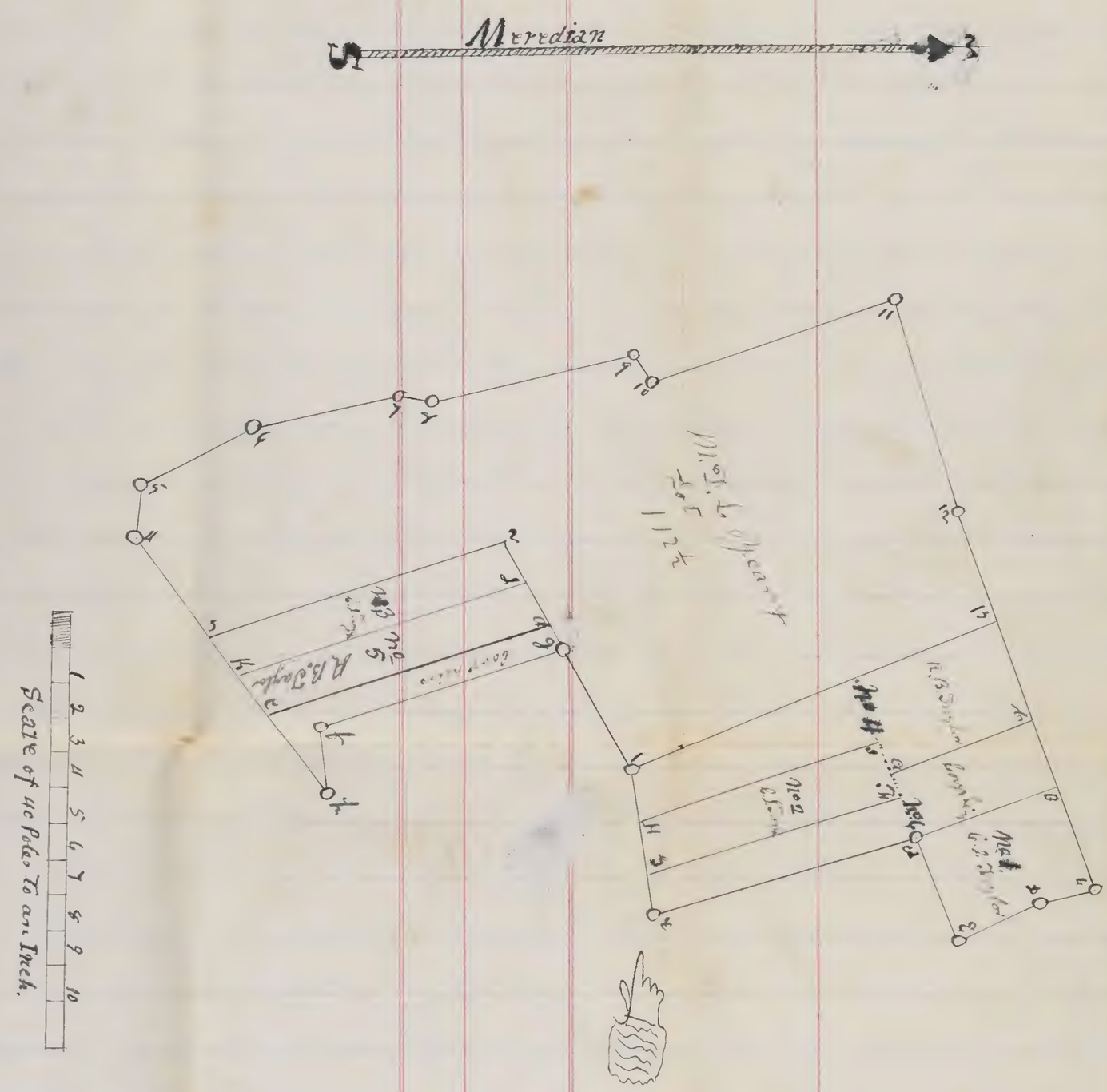
vs } Affidavit

W. D. Shaw

Filed July 2/1887

J. H. Hyatt

C. C.


Meridian
S
N
Scale of 40 Poles To an Inch.
1 2 3 4 5 6 7 8 9 10
A. B. Taylor
Geo. Taylor
No 3
No 2
Geo. Taylor
No 4
Geo. Taylor
No 1
Geo. Taylor
Longitude
Longitude
Line of Offset
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Plat

Charles Taylor & others. Plaintiffs
against
M. L. Yeary & others. Defendants } In Chy

To the Hon. H. S. K. Morrison
Judge of the circuit court for Lee County Va.

Your undersigned Commissioner, having been appointed to State and settle the Account of R. D. Flanary Sheriff and Administrator of the estate of Henry Yeary deceased and thereby show what amount of personal estate is in said Flanary's hands belonging to said Estate,

Respectfully reports that said Flanary as such Administrator has never received a cent, and was only formally, by the court recently appointed as such Admr, in order that this suit might be properly prosecuted.

Respectfully,
J. A. L. Hyatt Comr

Chas. J. Taylor et al
vs } Court Report
M. L. Yeagital

Filed Nov. 18/1887
J. A. McKenzie

Court fee $2.50

Commissioners Office
March 12th 1870.

Chas. F. Taylor & wife et al, Plfs
vs } In Chancery
M. D. L. Yeary et al, Defts

To the Hon. W. S. H. Morrison
Judge of the Circuit Court for Lee County,
Virginia.

Your undersigned Commissioner
Having been appointed by a decree entered
in the above styled cause December 6th 1869,
and therein directed, to ascertain and report
what legacies if any are due the Plaintiffs and
defendants, how much if any has been paid
on either of said Legacies, to whom the same
is now due. What interest each of said
parties has in said land, and whether
or not sale will have to be made thereof
to pay the same. Whether or not the
whole tract should be sold or can conveni-
ently be partitioned, and whether or not
the Plaintiff Robert J. Bailey & wife, or any
of the other parties when they sold their
interest in said land also sold their legacies
to M. D. L. Yeary or retained the same. &c &c,

In obedience to the requirements
of said decree I proceeded on the 11th
day of February 1870, at my office in the
town of Jonesville Va. in the presence of the
most of the parties to this suit they having
been duly summoned to appear with such
evidence as they desired to introduce, to inves-

tigate the matters referred to me.

As before stated the parties appeared and failed to offer any further evidence than the exhibits filed in this cause in support of their various claims, except the agreement herewith filed marked "X. Y."

It is shown by the will of Henry Yeary herein filed marked A. that it was executed on the 14th day of October 1851, and admitted to probate 22nd February 1881, and it is agreed betwen the parties that he died January 1881. It is therefore evident that he lived after making his will about 30 years, and that during these years, he failed to carry out the Sixth Clause of his said will, which provides that his "Children" Elizabeth M. Barker,[1] Malinda J. McKee,[3] Peggy J. Taylor,[4] Rachel M. Taylor,[5] Wm. D. Yeary, Henry M. Yeary[6] and M. L. F. Yeary[7] receive each Two hundred dollars before John R. Yeary receive any further portion, as he had already received that amount # # #, but it was agreed between the parties assembled, that he had made them all, and all his Children equal in the way of horses Cows, house hold goods &c. before he died. It is alleged in the Bill and and admitted in the answer not denied, that Ruthie Yeary the widow of said Henry Yeary, soon after the

the death of the said Henry, became demented and the management of her Estate given into the hands of a Committee regularly appointed by the County Court for Lee County, hence she was not competent nor could have been expected of her own will to carry out the request made in the last clause of section Sixth of said Will, which provided that during the life of Ruth on the widow of said Henry Geary she should if she could conveniently do so, make up to any of his Children the whole or any part thereof of the property or Legacies directed in his will, desiring that she do so as her ability and opportunity may require.

As said Ruth soon after her husband death became demented although she survived him about 8 years, her demented Condition, in the opinion of Your Commissioner, rendered her incapable of carrying out the request, and as it was a mere request, her Committee could not legally carry it out. and all Estate which came into their hands from the sale of her personal property or from the rents of the land which had been willed her by Henry Geary during her life, could not be held in any other light than the separate Estate

of Ruth Geary, and properly distributable among her legal heirs or their assigns.

Your Commissioner cannot understand that in any way this estate should or could legally be paid out or on to the Legatees of the 200$ provided to be paid to the Seven heirs herein beforementioned.

And as Henry Geary nor Ruth Geary his wife during their lives paid the Two Hundred Dollar Legacies it follows as a consequence that said 200$ legacies yet remains to be paid to those entitled thereto.

It is shown by settlement No. 1 of the account of C. J. Taylor etal as Committee of Ruth Geary therewith filed that they received 50$ on the 27th May 1882 from Alfred Lovey the Administrator of Henry Geary, 1/3 of which was justly due Ruth Geary as the widow of Henry Geary, the other 2/3 or 33 1/3$ was properly the Estate of said Henry, and very properly might have been paid on the 200$ Legacy's and should the same be required by a further statement of said Committee account it is shown that there is on the 1st May 1890 $97.96 in his hands undisbursed, out of which this amount and its interest might be taken.

Should Ruth Geary's Estate be held

and confirmed to be a seperate Estate from Henry Yeany - and the disbursments made by her Committee to her heirs as well as the heirs of Henry Yeany as shown by his settlement No. 1, and that such payments by him are not payments on the legacies. its can readily and conveniently be shown by a short statement of said account to whom the balance in his hands should be paid. The rents for the year 1887 being 50$ due January 1st 1888, is also possibly Estate belonging to the Estate of Henry Yeany as Ruth's Charge against said Estate ended with her death on the 20th March 1887, but her Committees contract for the renting had been made previous thereto.

It is further shown by said settlement No. 1, that the legal heirs of Ruth Yeany except John R. Yeany have each been paids $45.36, and if these payments are not held as payments on the legacies, nothing remains but to pay out of the fund now in Committee ~~his~~ hands to ~~said~~ J.R. Yeany $45.36 which would make all her heirs equal leaving $52.60 to yet disposed off.

The question as to whom the legacies are now due has given your Commissioner no little trouble, however not

So as to those owned by Rubin Taylor
+wife, Chas. J. Taylor+wife, and the Cooey
heirs - Said Taylors each having
the legacy of 200$ due them and 1/8 the
real estate subject to the charge of the
legacies thereon, and Polly Bales, Charles
D. and Noble Cooey 150$ on the legacy
bequeathed their Mother and 3/4 of 1/8 or 3/32
of the real Estate subject to the charge
of the Legacies, these parties not having
traded or in any parted with their
interests in the Estate of said Henry
Yeary, dead.

M. D. L. Yeary owns in his own right
as heir and legatee a 200$ charge against
said Real Estate, and 1/8 interest in the
remaining portion, and by deed No 4
with his answer, it is shown that
Robert J. Bailey+wife and Henry J. Davis
+wife the only heirs at law of Henry
M Yeary deed conveyed to one Jonathan
L. Smith by deed bearing date on the
2d day of July 188, all their undivided
right tittle and interest in and to
the real estate lately belonging to
Henry Yeary deceased, in Consideration
of the sum of Two Hundred Dollars
to them paid and secured to be paid,

Said Jnothan L. Smith some time after-
wards died leaving a widow Rosa B.
Smith, who became heir to a dower interest
of one third of this 1/8 interest and who

also owned 1/4 of 1/8 of said land on account of her being a daughter of Malinda Geary who intermarried first with one McKee and had as the issue of such marriage this Rosa B. and who secondly intermarried with one Covey and had the three Covey heirs heretofore referred to,

As is shown by the deed of said Rosa B. Smith herewith filed marked "A.B." she conveys all her undivided interests in said land to said M. D. L. Yeary, and as shown by deed herewith filed marked (J.M.M.) Comr. John M. Morgan Conveys, in obedience to a decree of Your Honors Court in the Chancery Cause of George H. Smith Complnt vs Napoleon B. Smith et al, to said M. D. L. Yeary, the undivided interest in said real Estate, belonging to the minor heirs of said Jonathan L. Smith, which last deeds undoubtedly bars to said M. D. L. Yeary the interest in said Real Estate deeded by Bailey Wile and Davis and wife to Jonathan L. Smith, and also the 1/4 of 1/8 interest owned by said Rosa B. Smith including her dower interest in the 1/8 interest purchased from the heirs of Henry M. Geary dec'd.

But whether or not this deed in conveying the undivided interest in said Real estate thereby bases the claim as to the legacy of 200$

which turns out to be a charge on said Real Estate is the point Your Commissioner is troubled over. No evidence is offered by either party except the deeds, the vendors claim they did not intend to convey their rights to the Legacy, while the vendee claims it embraced all their undivided interest which embraced their charge of legacy against said land, the price in this deed agreed to be paid was only 200$ just the amount of the Legacy, but it was agreed to be paid at a time that the real estate was occupied by Ruth Yeany, which accounts to some extent for the low price agreed to be paid, if the same included the Legacy charge.

The conclusions as to whether this deed in passing the undivided interest in and to said Land, passed also the charge against said land as to the legacy are defered, for the present.

By deed No. 2 herewith filed it is seen that Wm. D. Yeany & wife conveys to Marquis L. Yeany all their right title and interest in the real estate of the late Henry H. Yeany decd, # # # which they acquire by his last will & testament or otherwise, whether such

interest is present or future, absolute or contingent.

By Deed No. 1, herewith filed it is observed that B. W. Barker & wife Eliizabeth Barker nee Yeany execute a like deed, as that made by Wm. D. Yeany & wife.

And John R. Yeany a like deed except that he also passes all his personal as well as real Estate to said M. D. L. Yeany. See deed marked "3"

None of these deeds mention the transfer of the charge against the real estate of the legacies, by the grantors to the grantee, but the deeds Nos 1 & 2, that of Wm. D. Yeany & wife and B. W. Barker & wife convey any and all interest they have in and to said real Estate which they acquired by the last will and Testament of the said Henry Yeany or otherwise whether such interest was present or future absolute or contingent, which deeds seem, in the opinion of your Comr. to pass any and all claim they had or held against said real Estate, including their charge against the same on account of the Legacy bequeathed them.

Deed No 3 from John R. Yeany & wife

has no reference to the legacy, but
bazzess all undivided interest in the
land as well as property which
descended to him from the estate
of Henry Geary decd, to M. D. L. Geary.
These last three deeds being so
full and expressive as to the undivided
interest in said real Estate held by
said grantors; obtained by will or
otherwise, whether present or future
absolute or contingent, regularly made
and acknowledged before be o'ser
authority, as before stated in the opin
ion of your Commissioner, passes to
M. D. L. Geary the grantee, all claim
they had against said land in every
way, but should it be held by your
Honor that the Legacy claim of these
grantors under the will was of a
personal nature, it would of course
change this view of the case, but it
was well understood at the time
these last deeds were executed that
the Legacies were a charge on said
real Estate and to such an extent
certainly constituted an interest
therein.

But as to the deed made by Robert
F. Bailey & wife and Davis & wife to Smith
and from Smith's widow & heirs to said
M. D. L. Geary, it will be observed that
said deeds only convey their undivided

interest in the real estate of the said Henry Geary without any qualification whatever, without stating as the other deeds do, that all their undivided interest obtained by the Will of Henry Geary or otherwise was conveyed, hence the conclusions of Your Commissioner are that those heirs and Rosa B. Smith are entitled to their share of the legacy bequeathed them by their ancestors against said Real Estate.

And the final conclusions of Your Commissioner are that

M. D. L. Geary in his own right has a Legacy charge against said Est of $200.00

And has on account of his purchase from B. H. Barber & wife a like charge of -- 200.00

And has on account of his purchase from Wm. D. Geary & wife a like charge of 200.00

Total Legacy Charge $600.00

Charles J. Taylor & wife have a charge against said real Estate on account of the Legacy of $200.00

Rulon Taylor & wife have a like charge against said real Estate of - - - - $200.00

Robert A. Bailey & wife and Henry J. Davis & wife heirs at law of Henry M. Geary have a like charge on said real Estate of - - $200.00

Rosa B Smith as heir of Malinda a 1/4 interest in the 200$ legacy against said real Estate amounting to - - $50.00

Charles D. Covey 1/4 interest in said
200$ legacy against said real Est. - - $50.00
Henry M. Covey a life 1/4
interest in said legacy
against said land - - - $50.00
And Mary E. Bales wife
of Wm. Bales has a life interest $50.00

And after these claims are satisfied out of said Real Estate, then of the remainder M. D. L. Yeary has in his own right 1/8, by purchase from John R. Yeary 1/8, by purchase from B. W. Barker + wife 1/8, by purchase from W. D. Yeary + wife 1/8, by purchase from J. L. Smith's heirs 1/8, and by purchase from Rosa B. Smith 1/4 of 1/8 = 1/32. aggregating this amount $\frac{1}{8}+\frac{1}{8}+\frac{1}{8}+\frac{1}{8}+\frac{1}{8}=\frac{5}{8}=\frac{20}{32}+\frac{1}{32}=\frac{21}{32}$.

Chas J. Taylor + wife 1/8
Rubin Taylor + wife 1/8
Charles D. Covey 1/4 of 1/8 = ... 1/32
Henry M Covey 1/4 of 1/8 = ... 1/32
Mary E. Bales 1/4 of 1/8 = ... 1/32

Proof

$$\frac{21}{32}+\frac{4}{32}+\frac{4}{32}+\frac{1}{32}+\frac{1}{32}+\frac{1}{32}=\frac{32}{32}$$

It is agreed by the parties that partition can be conveniently made of said land, which, should all the views herein be confirmed, would give to M. D.

13 L. Yeary 600$ worth in value, and after the other charges on account of the Legacy claims herein after given, 21/32 parts of the remaining portion of the said real Estate;

2 To Elias J. Taylor & wife 200$ worth in value and 1/8 of the remainder after satisfying all the Legacy claims

3 To Rubin Taylor & wife a like interest of 200$ worth and 1/8 of the remainder

4 To Charles D. Leovey 50$ worth and 1/32 parts of the remainder.

5 To Henry M. Leovey 50$ worth and 1/32 part of the remainder.

6 To Mary E. Bales wife of Wm. Bales 50$ worth and 1/32 parts of the remainder.

7 To Rosa B. Smith a charge of 50$ against said Real Estate.

8 Robert J. Bailey & wife a charge of 100$ worth

9 Henry J. Davis & wife a like 100$ worth, Some difficulty may arise as to laying off to these last three parties, the amounts seemingly going to make up the lands, and it occurs to your Commissioner that it would probably be best to sell a sufficiency of said land to satisfy these claims Should they be determined to be just and properly payable to the parties mentioned.

And now having as fully performed the duties assigned me, as best I could from the evidence before me, the same is respectfully submitted to your Honor's Supervision and if in any way mistaken in my views, I am honestly so.

Respectfully
J. A. Hyatt
Coroner

1890 Apr 2d

The motion to report is excepted to because the Commissioner does not report on the matters referred to him but only states Counsel's views & suggests briefs:

2 Because he report the arguments of Counsel on matters expressly stricken out of the first decree in this Case as not germain.

3. Because, he does not as required by decree of Dec 5 1889, whether or not sale will have to be made of the Land to pay said legacy, whether or not the whole trust or any part should be void: and whether or not Robert L. Bailey & wife Conveyed their legacy by their deed to the Land.

Exhibit No. 3

Report of Commissioner of Court

M. D. L. Yeary et ux

Filed May 15th 1871

Rec'd Vol. 1 Page 10

This report is excepted to, ~~to the extent~~ that the Court treats the proceeds in the hands of the Widows Committee as her separate estate, and allowing it to go to her heirs, when in fact under the will it should have been applied to the payment of legacies.

Morgan, Richmond & Orr.
for M. D. L. Yeary.

This Report is further excepted to in so far as the Comm. reports in favor of a charge of the legacies ~~the Legacies of M. D. L. Yeary~~ upon the lands sold to M. D. L. Yeary by and for such legacies.

Morgan Richmond & Orr.

Commissioners office
March 15th 1890.

Chas F. Taylor et al Pltfs
vs } In Chy.
M. L. Yeary, et al Defts

To the Hon. H. S. K. Morison
Judge of the circuit court for Lu Co. Va.

Your undersigned Comr. in this cause having heretofore on the 13th inst. filed a report of his action and performance of the duties assigned him by decree of Dec. 5th 1889. And having been solicited by James W. Orr Atty for M. L. Yeary, as shown by his brief herewith filed marked "D", to make and file some special statements presenting to your Hour, their view or views of the matters in controversy, and as will be seen I have made and file herewith Special Statement No. 1, in which I show that the full amount from all sources in Ruth a Yeary's Committee hands for distribution and disbursed is $415.48, and out of this fund M. L. Yeary is in his own right entitled to $59.35, and in right of his purchase from Mrs Barker he is due a like sum of $59.35, on account of his purchase from Wm. D. Yeary a like sum of $59.35, on account of his purchases from the Smith heirs a like sum of $59.35,

and on account of his purchase from Rosa B. Smith he is entitled to $14.84 aggregating the sum of $252.24 which should have been paid him on the Legacies due him from purchasers, out of the fund which came to the Committee's hands all of which arose from the real estate of Henry Peary deed, and these amounts or amount should be credited on the Legacies due him, according to his rights thereof, leaving $377.76 yet due him on the Legacies besides his $\frac{21}{32}$ interest in the balance of the real Estate after payment of all the Legacies.

And that C. J. Tupper & wife are due on their legacy $111.65, after applying the $57.35. this part of the fund in Committees hands, to Rubie Taylor & wife a like amount of $111.65= the three Peary heirs each $35.16.

This claim is asserted upon the bases, that Ruth Peary had no undivided estate and that the entire amount which went into her Committee's hands arose from the real Estate of Henry Peary, and was properly payable on the legacies mentioned in the bill, and that by the deed executed to him he obtained all the grantors interest in the said real Estate and passed all their claim as to any legacy on the same;

By Special Statement No 2

It is shown that the amount of Estate from rents of land and the 50 ℔ received from Henry Young's Admr subject to necessary charges of Administration Inventory &c, amounted to the sum of $317.58 up to the time of the conveyance of Mrs. Barber and Wm D Young, and up to this time showing them to be paid 1/7 thereof, there would yet due them each $144.64, which they by their deeds pass to M. L. Young, and that up to the time Rosa B. Smith married, the fund was $353.61, the unit. Legacy due her was 50℔ after paying her her portion of this fund $12.63. There would still be due her on the Legacy $37.37, which interest in her deed she passed to M L Young.

From this standpoint M L Young would have a claim of $126.65 on account of the Legacies against said Land, made from his 21/32 interest in said land,

Lucy J. Linton & wife 200 & 1/8 interest
Robin Lapler & wife 200 & 1/8 "
Elizabeth Conyhirs 100 & 3/16 "

This statement is made upon the based, that the fund in Commissioners hands up to the time of purchase was properly payable to the grantors on their claim of legacies

and that the sale of Bailey & wife and Davis & wife was made and passed their full interest in every way to said Real estate including their claim as to the Legacy, before the rents began to accrue, resulting in showing that the bal. in the Legacies to be first satisfied as set forth is $1276.65;

And having made these two Special Statements No. 1 & 2, to meet the views of the Defendant M. L. Yeary - I consider it just and proper that I make and file a statement which presents the view of the Plaintiffs attorney as Your Commissioner understands it, so that the Court can have an opportunity without further investigation by Commissioner, to pass on the various points in this complicated matter.

And such statement is herewith filed marked No. 4. as will be observed it is therein shown that the Legacy charge is $1400.00 and that the net amount of personal estate of Henry Yeary in Ruth Yeary's Committees hands is 70$ this embraces the 50$ turned over to said Committee by Henry Yeary's Admr. and the amount of rents arising from the land since the death of said Ruth subject to the charge of taxes &c &c

Leaving $1330.00 of said legacies unpaid, which constitutes the first charge against said real Estate, and should be first settled in the following manner, viz.

To M. E. Yeary legatee after paying him 10% out of the personal fund on the legacy, the sum of $190.00

To Mrs Barbara like sum of 190.00

" Chas J. Taylor wife " " " 190.00

" Ruben Taylor wife " " " 190.00

" Wm. D. Yeary & wife " " " 190.00

" Robt J. Bailey & wife " " 95.00

" Henry M. Davis & wife " " 95.00

" Rosa B. Smith " " 47.50

" Chas D. Carey " " 47.50

" Henry M. Carey " " 47.50

" Mary E. Bales " " 47.50

After these amounts are satisfied, then the parties will cross in the remainder of the land the interest set out in report herein filed March 13th 1890, to wit: M. L. Yeary 21/32,

Le J. Taylor & wife 1/8

Rubin Taylor & wife 1/8

The three Carey heirs each 1/32

This statement is made upon the bases, that all the Estate which came into the hands of the Committee of Ruth Yeary except the 10% mentioned as Henry Yeary's Estate.

was Ruth's Heavy, separate Estate and property payable to her distributees, and not on the legacies, and that the deeds of Bailey & wife, Davis & wife, Barker & wife, and Wm. D. Yeary, and Rosa B. Smith only passed their undivided interest in the real Estate, without any reference to the legacies what ever, which is a personal charge against said Estate, and property payable by the Administrator with the will annexed of Henry Yeary dec'd, to the Legatees.

Now this is Your Honors duty to decide.

All of which is respectfully submitted. D. A. L. Hazell

Cases.

Wm. F. Taylor et al

vs

Supplimental Report

W. L. Yeary et al

Filed March 15/890.

D. A. Hyatt C.

Fee for this Report $7.

Special Statement No. 1

To this sum received by committe less expenses & debts			$415.48	
Of this sum M. L. Yeary claims in his own right on Legacy	59.	35		
" " " " " by purchase from heirs Smith's "	59.	35		
" " " " " " " " Baker's wife	59.	35		
" " " " " " " " Wm D. Yeary	59.	35		
" " " " " " " " Rosa B. Smith	14.	84	252.24	
			$163.24	
Leaving to Chas P. Taylor wife on Legacy	59.	35		
" " Rubin Taylor & wife " "	59.	35		
" " Chas D. Coney " "	14.	84		
" " Henry M. Coney " "	14.	84		
" " Mary E. Baker " "	14	86	$163.24	
Total due M. L. Yeary from his own on Legacies			$850.00	
By this above shown due him from Court.			252.24	
Bal due him on Legacies			$597.76	
Amount Legacy going to C. P. Taylor & wife			200.00	
By " their part in Committee hands			59.35	
Bal. yet due them on Legacy			$140.65	
To Amt Legacy going to Rubin Taylor & wife			$200.00	
By " their part rec'd by Court			59.35	
Bal yet due them on Legacy			$140.65	
To amt Legacy going to Chas. D. Coney			$50.00	
By " his part rec'd by Court.			14 84	
Bal due him on Legacy			$35.16	
To amt Legacy due Henry M. Coney			$50.00	
By " his part rec'd by Court.			14 84	
Bal due him on Legacy			$35.16	
To amt. Legacy due Mary E. Baker			$50.00	
By " her part rec'd by Court.			14 86	
Bal due her on Legacy - - -			$35.14	

Special Stude-
ment No 1

32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1

Special Statement No 2

This sum recd by committee from Henry Yeany's Admr. and from rents of land up to Jany 1st 1888	$317.	58
Of this sum Mrs Barker was entitled to $\frac{1}{7}$ =	$45.	36
" " " Wm. D. Yeany " " " " =	45.	36
To Amount of Legacy due Mrs. Barker	200.	00
By this sum rents &c to time of Sale to M. L. Yeany	45.	36
Bal of Legacy under purchase due M. L. Yeany	$144.	64
To amt Legacy due Wm. D. Yeany	200.	00
By this sum rents &c to time of sale to M. L. Yeany	45.	36
Bal of Legacy under purchase due M. L. Yeany	$144.	64
Of this sum, Rosa B Smith was entitled to $\frac{1}{4}$ of	50.	00
By this sum rents &c, $353.61 due her to March 1889, $\frac{1}{4}$ of $\frac{1}{7}$ =	12.	63
Bal of Legacy due M. L. Yeany under purchase ...	$37.	37
From this sum amt due M. L. Yeany on Legacy in his own right	$200.	00
Due on " by purchase from Barker and	144.	64
" " " " " " Wm. D. Yeany	144.	64
" " " " " " H. M Yeany's heirs	200.	00
" " " " " " Rosa B. Smith	37.	37
aggregate due M. L. Yeany -	$726.	65
Lehan L. Taylor wife	200.	00
Robin Taylor wife	200.	00
Leaven heirs	150.	00
Total Legacies unpaid	$1276.	65

Special Statement

No. 2

Special Statement No.

To this sum amount Legacies directed by will			$1400.00
By this sum net amount of Henry Yeary's Estate in Butler County Court's hands payable on Legacies			70.00
Leaving the bal due on Legacies			$1330.00
By this sum going to W. L. L. Yeary	$190.00		
" " " " " Chas Barker	190.00		
" " " " " C. F. Taylor wife	190.00		
" " " " " Rubin Taylor wife	190.00		
" " " " " Wm. D. Yeary	190.00		
" " " " " Robert T. Bailey wife	95.00		
" " " " " R. M. Davis wife	95.00		
" " " " " Rosa B. Smith	47.50		
" " " " " Chas D. Coney	47.50		
" " " " " Henry M. Coney	47.50		
" " " " Mary E. Bales	47.50		$1330.00

Interest in bal real Estate

W. L. L. Yeary	$\frac{21}{32}$
C. F. Taylor wife	$\frac{1}{5}$
Rubin Taylor wife	$\frac{1}{5}$
The three Coney heirs each $\frac{3}{4}$ of $\frac{1}{5}$ =	$\frac{3}{32}$

Special Statement No. 4.

C. J. Taylor & wife

vs

W. D. L. Yeary et al

Statement to meet the view expressed in decree entered in the above styled Cause Sept 5th 1890

This amount Legacy due 7 heirs			$1400	00
" " paid them by Committee			70	00
Leaving this sum to come from the Land			1330	00
By this sum assigned C. J. Taylor in Lot	190	00		
" " " " R. B. Taylor & wife "	190	00		
" " " " The Coney heirs " "	142	50		
" " " " L. M. Yeary " "	190	00	712	50
By this sum 1/8 190 $ Mrs. Barbers Legacy	23	75	$617	50
" " " " " Wm. D. Yeary's "	23	75		
" " " " $47.50 Rosa B. Smith "	5	93¾		
" " " " 95 $ Bailey wife's "	11	87½		
" " " " 95 $ Davis wife "	11	87½	77	18¾
Total Due from L. M. Yeary on account of Land assigned him - - - -			$540	31¼
This sum due Mrs Barber	$166	25		
" " " Wm. D. Yeary	166	25		
" " " Robt J. Bailey & wife	83	12½		
" " " Henry F. Davis wife	83	12½		
" " " Rosa B. Smith	41	56¼	$540	31¼

Statement

"F"

Charles J. Taylor Committee for Ruth A. Yeaw and Admr of the Estate of Said Ruth A. Yeaw deceased.

To the Creditors & distributees of Said Ruth A. Yeaw

					Dr.
1889	To this amt Read rents for year 1888			50.	00
Jany 1	By " " paid Taxes for year 1888	$12.	61		
	By 10% Com on $12.61 disbursed	1	26		
	By this amt in committee hands	36.	13	$50.	00
1890					
Jany 1	To this amt unaccounted for last year			36.	13
	" " " Int. thereon to one year $2.16				
	" " " Received Rents for 1889			50.	00
	" " " Total Estate January 1st 1890			$86.	13
2	By this amt paid Land Tax for 1889	11.	60		
3	" " " " Poll tax " " "		69		
	By 10% on $12.29 disbursed	1.	22		
	By this amt unaccounted for last year	$72	62	$86.	13
1890					
May 1st	To this amt unaccounted for Jany 1st 1890			$72.	62
	" " " Int. thereon to May 1st 1890			1.	45
	" " " Interest brought down			2.	16
	" " " Total in hands of Committee			$76	23
	" " " Int Sale Bill A. due Apr 20th 1890			58.	21
	" " " Total Est May 1st 1890			$134.	44
	By this amt 10% Com on bal Estate	13.	44		
4	" " " paid J. R. Gibson Clerk	2.	04		
5	" " " " W. S. Crowell on Coffin	8.	00		
29	" " " " E. M. Russell expr.	1.	00		
30	" " " " C. N. Carey acct.	1	00		
31	" " " " C. C. Blanchard Springs Sale	1	00		
32	" " " " R. M. Morgan burial clothes	2	00	28.	78
	Interest forwarded . . .			$105.	46

1890

Estate of Ruth Yeary

To this amount brought over		$1,105.46
By this amount paid settlement	$90.00	
" " " for recording final settlement	5.00	
" " " to be paid for this		7.50
Do their share for distribution May 1st 1890		$1,097.96
" " " the entire estate	547.97	
Total distributed to the sisters	$549.97	
By their share Thomas Yeary, deceased Est.	549.97	
Total net Est. Ruth Yeary	$1,097.94	

Chas. C. Taylor Com.
and Admr. of Ruth Yeary.

Statement showing the amount which came to his hands for distribution as of May 1st 1890.

Vouchers
from 1 to
9 & 9.
inclusive

All Available Text Successfully Captured

Prolemere

Received of Charles F. Taylor Committee of Ruth Geary Forty five Dollars and thirty six cents in full of my distributive share in the said Ruth Gearys seperate Estate this Nov. 1st 1890.

John R. Geary.

(1)

Received of Charles S Taylor Admr and Committee of the Estate of Huttley Perry deceased Ten dollars on account of rents and profits which went into his hands of the Estate of Henry Perry deceased which is to stand as a credit on the legacy of Mrs Louisa Perry by the last Will and Testament of said Henry Perry Decd Nov 1st 1890

R B Taylor Margaret S Taylor

R. B. Taylor
Recd
$10.00

2

Received of Charles F. Tyler Adms and Committee of the estate of Bertha Yeary deceased Ten Dollars on account of rents and Money which went into his hands as the estate of Henry Yeary dec'd which is to stand as a credit on the legacy of $1200 devised me by the last Will and testament of said Henry Yeary deceased November 1 day 1890

M. L. Yeary

M. E. Yeany
$10.00

(3)

1884		Rutherford Geary Est.	Dr	Cr
		To W. S. Crowell		
March	14	To coffin for said Geary	10 00	
May	7	Cr by cash by C. J. Geary		8 00
May	7	Bal due	8 00	

Rec'd. the above a/c in full for my claim from C. J. Taylor Adm. for Rutherford Geary Est.

W. S. Crowell
per C. H. Brown

Written [illegible]
by
[illegible]

Received of C. J. Taylor admr of the estate of Henry Yeary twenty dollars part of my fee, in the suit against said Yeary heirs being the part of Mrs Barker and from Yeary ten dollars each Dec. 29: 1891

A. L. Pridemore

Wm & Jane
& Elizabeth
Burchen
£10.00 each

(14)

Received of Charles T Taylor adms and
Committee of the Estate of Beatley Geary
deceased Five Dollars on account of Rents
and Money which went into his hands as the
Estate of Mary Geary deceased which is to stand
as a credit on the legacy of $2 00 devised me
by the last Will and testiment of said
Mary Geary deceased this 1st day November 1870

Robert L Bailey Mary E Bailey

M. J. Bailey
Lincoln
$5.00

(5)

Receipt of Charles F Taylor admr and
Committee of the Estate of Rubley Geary
deceased Five dollars on account of rents
and Money which went in to his hands as the
Estate of Henry Geary dead which is to stand
as a credit on the Legacy of $200 devised me
by the last Will and Testament of said
Henry Geary deceased Nov 1st 1870.

Henry J Davis Rachel Davis

H. J. Daniel
$5.00

6

Received of Charles F Taylor Adm and
committee of the Estate of Martha Geary
deceased Three dollars seventy five cents on account of rents
and Money which went in to his hands in the
Estate of Henry Geary deed which is to stand
as a credit on the legacy of $200 devised
by the last Will and Testament of said
Henry Geary deceased Nahant day 1870

Charles F Lang

C. D. Covey
$3.75

(7)

Receivers of Charles Dayton administrator and
Committee of the Estate of Kelley Geary
deceased Three dollars and seventy five cents on
account of rents and Money which went
in to his hands as the Estate of
Henry Geary deceased which is to stand
as a Credit on the legacy of Hezekiah me
by the last Will and testiment of said
Henry Geary deceasd November 1st 1870

Henry R. Geary

W. N. Carney

3.75

8

Received of Charles F Sagendorf and committee of the Estate of Henry Geary deceased Two hundred dollars in payments on account of rents and Money which went to his hands of the Estate of Henry Geary deceased which is to stand as a credit on the legacy of $200 devised me by the last Will and Testament of said Henry Geary deceased.

December 1st 1890

Rozey B Smith

R. B. Smith
$2.50

(9)

C. J. Taylor & Wife et al. Pltffs
Against
M. D. L. Yeary et al. Deflts } In Chancery

To the Honorable H. S. K Maison Judge of the Circuit of Lee Co. Va in persuance of an Order from your honors Court dated Sept. 5th 1890 to partition the land of Henry Yeary, dec'd We your commissioners proceeded on the 10th day of Nov. 1890. To perform that duty. We Surveyed the lands of said Yeary. Begining on a Stake near a Sugartree in the Cowy line and with the same S82W 112 poles to a Maple & Two Cedars. S59W 40 p. To a Stake S18E 74 poles to a Rock & 3 Dogwoods on the Side of Chestnut ridge S84E 20 poles to a Chestnutoak Thence leaving Cowyes line. S53W 93 poles to a Whiteoak N84½W 15¾ poles to a Stake Russells corner & with his line N26½W 36½ poles to a Whiteoak, N12½W 42¾ poles to a stake in the branch N8E 10½ poles to a Locust, N13W 60 poles to a stake in the Sugartree Road. N56¼E 9 poles to a Stake N19W 75½ poles to a Stake in Bayes line & with his lines N73E 64 poles to a Stake, N69½E 116½ poles to a Sassafras and Dogwood on C. J. Taylors line & with his line S13E 16½ poles to a Stake S23¼E 26 poles to the Road Thence with George Burgans lines S68W 32½ poles to a Black Walnut S16E 85 poles to the Begining. This Boundary we found to contain 175 acres We then proceeded to lay off the parties interests named in said Est, being governed by the Order given us so to do.

We first layed of M. L. L. Ycary interest 4½ Equal shares and a part of John R. Ycary's share after we disposed of the $190 one hundred & ninety dollars. We began at figure one on the Platt which is the Maple + 2 cedars. Thence S 59 W 75½ poles to a Stake S 19 E 91 poles to a Stake on the South line of the Survey and with the Same S 53 W 36 poles to a Whiteoak N 84½ W 15¾ poles to a Stake, N 26½ W 36½ poles to a Whiteoak N 12½ W 42¾ poles to a Stake in the branch, N 8 E 10½ poles to a Locust N 13 W 60 poles to a Stake in the Sugarrunn Road N 56¼ E 9 poles to a Stake N 19 W 75½ poles to a Stake N 73 E 64 poles to a Stake N 69½ E 34 poles to a Stake S 21½ E 119 poles to the Begining. and is also Represented by the figures 1.2.3.4.5.6.7.8.9.10.11.12.13. Containing 112½ a. We then divided the remainder of the Land into three parts in order to give each one Timber and Water. the land is so situated we could not do otherwise and do justice to the other interests. as we thought We layed off and assigned to L. J. Taylor & Wife 8½ Acres on the North side of the Sugarrunn Road. and adjoining their Land and is Bounded as follows. Begining on a Black Walnut marked on the Platt Capital (A) Thence N 20 W 45 poles to B. N 69½ E 32 poles to, C. S 13 E 14½ poles to, D. S 23¼ E 26 poles E. S 68 W 32½ poles. to the Begining and is marked on Platt No. 1

Also a lot lay in on the South side of the Sugarrunn Road containing 7 4/10 acres. and is Bounded as follows. Begining at a Stake on the dotted line at capital, F, Thence S 1 W 78 p. to a Stake on the Gory line at, G, S 82 W 14¾ poles to a Stake at, H. N 18 W 72 poles to a Stake on the dotted line at I. Thence N 68 E 17½ poles to the Begining and is Marked on the Platt No. 2

Also another lot laying on the Ridge. Containing 7½ Acres and is Bounded as follows. Begining at a Stake on M. L. & Yeary's line at Capitol, J, Thence S 62½ W 13 poles to a Stake at figure 2 M. L. & Yeary corner S 19 E 91 poles to a Stake at 3 Said Yeary's Corner Thence with the old line N 53 E 13¾ poles To a Stake at, K, thence N 16½ W 88 poles to the Begining Marked No. 3,

We layed off and assigned to R. B. Taylor & Wife. 8½ Acres lying on the North Side of Sugar Runn Road and 7 11/10 on The South Side of Said Road. and adjoining each other. and is Bounded as follows Begining on a Stake at figure 13. M. L. & Yeary's Corner, & with his line S 21½ E 91 poles to a Maple & 2 Cedars at figure, 1, Thence N 82 E 15½ poles to a Stake at, H. Thence with lot No 2 N 18 W 72 poles to a Stake at, I. N 68 E 10 poles to a Stake Small, a, N 24 W 41 poles to a Stake at Small, b, S 69½ W 29 poles to the Begining Marked on Plat No 4, also another lot Lying on the Ridge. Containing 7½ Acres. and Bounded as follows Begining at a Stake and Capitac J, on M. L. & Yeary line and G. I. Taylor & Wife corner and with the Same S 18½ E 88 poles to a Stake at, K. Thence with the old line N 53 E 14¾ poles to a Stake at Small, c, N 18 W 84½ poles. To a Stake at, d, Thence with Said Yeary line S 42½ W 13½ poles to the Begining Marked on the No 5

We layed off and assigned to G. D. Gory H. M. Gory Mary E Bales ¾ of a Share. 5 6/7 Acres lying on The North Side of The Sugar Runn Road and 5 2/10 on the South Side of Said Road and Bounded as follows Begining on a Black Walnut old corner at Capital

A and with the old line S16E85 poles to a Stake near a Dogwood on Gray's line at Small, e, S82W11¾ poles to a Stake at Capital G, Corner to lot No. 2, and with the same N16W 78 poles to Capital, F, S68W 7 poles to a Stake at Small, a, corner to lot No 4, N21¾W 44 poles to a Stake at Small b, N69½E 21 poles to a Stake capital B. S20E43 poles to the Begining Marked on Platt No. 6.

Also another lot on the ridge containing 5¼ acres adjoining their land and Bounded follows.

Begining at a Stake Gray's corner + Marked Small g. S18E74 poles to a Rock + 3 Dogwoods. Marked, f, N54E 20 poles to a chestnutoak Marked, h, S53W 29 poles To, c, corner to lot 5 and with a line of the same N18W 46½ poles to a Stake on Geary's line at, d, + with the same N62½E 8¼ poles To the Begining Marked on Platt No. 7.

We also give to the owners of the lots on the Ridge a Road or pass way one Rod wide from figure 2. To figure 8 We embraced in the land we assigned M. L Geary the share of John R. Geary which in our valuation we considered less in value than the other shares, one hundred & Ninety Dollars on account of the legacies devised by Henry Geary to his other heirs to make them equal to John R. Geary in the way of advancements and we assigned to L. M. Geary in

in his 4/4 equal shares, to C. J. Taylor & wife, R. B. Taylor & wife and the three Covey heirs, their legacy claims of ($190.00) one hundred and Ninety Dollars in land, that is to say C. J. Taylor & wife get their legacy claim of $190.00 in land R. B. Taylor & wife get their claim of $190.00 in lands, and the Covey heirs get in land their claim on account of legacy; and L. M. Yeary is assigned the shares of Mrs. Barker Wm. D. Yeary and 1/4 of the Covey heirs share and the Monroe Yeary share subject to the payment by him of such portion of the legacies as may be considered as yet due them.

We herewith with file a plat, showing by meets and bounds the lot assigned each distributee, which measurement is made by horizontal measurement the degree of variation is 3° to the left.

Respectfully submitted

C. C. Elliott
E. S. Woodward } Commrs
A. P. Wynn,

Bill of costs

C. C. Elliott Surveyor	$8.00
E. S. Woodward	3.00
A. P. Wynn	3.00
C. J. Taylor chain carrier	3.00
	$17.00

Virginia Lee County to wit:-

On the office of the clerk of the Dec 1st 1890
said county, the, foregoing report and plat of the partition of the lands of Mary Young decd. together with the sworn statements, was presented and admitted to record.

Teste J. Thos R. Gibson Clerk.

C. J. Taylor Trustee
vs
Mary Young et al
Partition

Filed Nov 18th 1890
J. A. Hightower

Recorded Deed Book
26 P. 367
C. B. Hutchinson

Costs $17.00

Charles J. Taylor & wife et al Plffs
versus
M. D. L. Yeary et al Defts

In Chancery.

To the Hon. W. S. R. Morrison
Judge of the circuit court
for Lee County, Va.

Your undersigned Commissioner in obedience to the requirements of a decree entered in the above styled cause on the 5th Sept. 1890.

Proceeded on the 31st October 1890 to perform the duties assigned me in said decree - having notified the parties in interest to appear at my office in Jonesville on said day.

Whereupon it was agreed between the parties in interest to first have a partition of the lands in this cause mentioned equally between and among those having interest therein.

And Lafayette M. Yeary announcing that he had the money to pay the Legacy charges resting on the lands on interests sold him by

the various legatees, and C. J. Taylor & wife, Rubin Taylor & wife and the Leavey heirs, expressed a desire that the Legacies due them be laid off to them in land, it was concluded best to take that course in adjusting all matters between the parties thereby avoiding a sale of land sufficient to discharge the claim of Legacies -

And thereupon Your Comr, continued his further action until the Commissioners appointed to partition said lands made & filed a report and plat of their proceedings which by an inspection thereof it will be observed that they proceeded in the manner indicated above - and assigned to M. D. L. Yeary 8 1/4 Shares 3 1/4 thereof having been purchased from Mrs Barber, Wm. D. Yeary Monroe Yearys heirs & Rosa B. Smith, which are chargeable with their claim of Legacies

subject to the credits specified in said decree a statement of which will be referred to at the close of this report - one of said shares is that of his own including his claim of legacy and the other share is that of John R. Young's which is according to their report worth 190$ less than the other shares - They assigned to C. J. Taylor & wife, to Rubin Taylor & wife and to the heirs of Malinda Young ~~their~~ due proportion of land including their claims of legacies, which last assignments are in full satisfaction of all claims the two Taylors and Young heirs have against said Estate.

I have prepared and file herewith a statement showing first that the entire Legacy charge was $1400.00 of this sum Seventy dollars has been paid by C. J. Taylor Trust. of Ruth Young on account of personal estate which he received

from the Estate of Henry Yeany leaving $1330.00 as a charge against the Land, and as before indicated C. J. Taylor & wife were assigned land in satisfaction of their claim of legacy. So was Rubin Taylor & wife and the Lewis heirs - leaving the sum of $617.50 yet to be disposed of and discharged and according to Your Honors decree those who sold their interest in said land to M. D. L. Yeany should have a credit given on their claims of legacies of 1/8 the value thereof and after giving such credits - there still remains $540.31¼ of Legacy moneys which is chargeable to the 3¼ shares of land assigned M. D. L. Yeany and due as follows to wit. -

To Mrs. Elizabeth Barker		$166.25
"	Mr. D. Yeany	166.25
"	Robt J. Bailey & wife	83.12½
"	Henry J. Davis & wife	83.12½
"	Rose B. Smith	41.56¼
	Total	$540.31¼

When M. D. L. Yeany pays ~~shall~~

paid these sums to the persons named all matters of dispute in this Cause will hence been adjusted so far as your Comr. is advised.

Respectfully Submitted

J. A. L. Hyatt Comr.

C. J. Taylor & wife
D. Hyatt
vs
Report of State
ment.
M. D. L. Yeungstad

Filed Nov. 20. 1890.
J. A. L. Hyatt C

Costs fee $7.50

Charles C. Taylor and H. L. Yeary
Committee for Ruth Yeary widow
of H. H. Yeary decd.
To said Ruth Yeary . . . . . Dr.

1884	To this sum received May 27th 1882				
January 1st	from Alfred Covey Admr. H. H. Yeary decd			$50.	06
	To this sum interest thereon to Jany 1st 1884.			4.	27
	" " Rents rec'd July 1st 1883. for 1882,			45.	00
	" " " Interest to January 1st 1884 . .			1.	12
	" " " rents for year 1883			50.	00
	Total Estate January 1st 1884.			$160.	47
1	By this sum paid Taxes for 1881	8.	78		
	" Interest to Jany 1st 1884	1.	05		
2	" " " paid Taxes for 1882	7.	28		
	" " " Int to Jany 1st 1884		43		
3	" " " paid Taxes for 1883	8.	39		
4	" " " allowed C. J. Taylor acct	13.	64		
5	" " " paid J. R. Wilson fee	1.	42		
	By 10% com. on $40.99 disbursed	4.	10		
	By this sum in Committee hands to square	$105.	38	$160.	47
1885					
January 1st	To this sum in Com'ts. hands unaccounted for			$105.	38
	" " Interest thereon 1 year			6.	30
	" " " amt. received for 1884			50.	00
	" " " Total Estate Jany. 1st 1885.			$161.	68
6	By " " paid Taxes for year 1884.	9.	20		
7	" " " allowed C. J. Taylor his acct	2.	50		
	By 10% com on $11.70 disbursed	1.	17		
	By this sum in Com'ts. hands to square	148.	81	$161.	68
	To this sum debits forwarded Jany 1st 1885			$148.	81

1886	To this sum in Court hands to square Jany. 1st 1885			$148.	81
Jany 1st	" Interest thereon to January 1st 1886			8.	92
	" " " Cash recd for rents for 1885			95.	75
	" " " " " " one calf			10.	00
	" " " Total in Court hands Jany 1st 1886.			$263.	48
8	By this sum paid Taxes for year 1885	9.	27		
2	" " " M. L. Geary acct	25.	09		
	By 10% Com on $34.36 disbursed	3.	43		
	By this sum in Court hands to square	$225.	69	$263.	48
1887					
Jany 1st	To this sum in Court hands unaccounted for Jany. 1st 1886.			$225.	69
	" " " Interest thereon to January 1st 1886			13.	54
	" " " Rents recd for year 1886			75.	00
	" " " Total Estate Jany 1st 1887.			$314.	23
10	By this sum paid Taxes for year 1886	$10.	79		
	" 10% Com on $10.79 disbursed	1.	08		
	By this sum in Court hands to square	$302.	36	$314.	23
1888					
January 1st	To this sum unaccounted for last year			$302.	36
	" " " Interest thereon one year			18.	14
	" " " amt due from Conway Jany 1st 1888.			50.	00
	" " " " recd for calf Nov. 20th 1887.			5.	00
	" " " Chargeable to Cont Jany 1st 1888.			$375.	50
11	By this sum paid Taxes for year 1887.	11.	33		
12	" " " " L. & L. Hyatt Com	4.	00		
	" " " " " J. R. Gulesian clerk	2.	00		
	By 10% Com on $37.50 unt Est.	3.	75	$57.	92
				$317.	58

1888

Jany 1st	To this sum debits brought forward			$3.17	58
1	By this sum paid Malinda T. Covey distributee	45.	36		
2	" " " " M. L. Geary distributee	45.	36		
3	" " " " C. J. Taylor wife	45.	36		
4	" " " " Elizabeth W. Barber	45.	36		
5	" " " " R. Bailey wife & H. Davis wife	45.	36		
6	" " " " W. J. Geary distributee	45.	36		
7	" " " " O. B. Taylor wife "	45.	36		
	By this sum paid Cur for this statement		26	$317	58

To the Hon C. J. Dunean your undersigned assistant Cur of accounts, begs leave to report that after advertising as the law directs, I proceeded on the 1st day of January 1888, to state & settle the account of C. J. Taylor & M. L. Geary as committee for Ruth Geary a person of old age — and as will be observed I have charged said committee with $50.00 as of May 27th 1882 amount found due and turned over by Alfred Covey Adm of Henry Geary decd, and interest thereon to Jany 1st 1884 & with rents & interest up to Jany 1st 1884 Total rents $150.47 and with sum rents & receipts thereafter, and have given them credit for vouchers

from 1 to 12 inclusive, resulting in finding $317.58 in said Committee's hands which they desired to pay to the distributees of said Ruth Young, and said C. F. Taylor who is the active Committeeman proceeded to pay to her seven heirs $45.36 each as will appear by their receipts filed and marked 1, 2, 3, 4, 5, 6 & 7, & your Comr 6 cents for the additional statement which closed up said account to January 1st 1888.

Respectfully Submitted

J. A. E. Pratt Asst Comr

Virginia.

At a county court continued and held for Lee county at the Court House thereof, on Tuesday May 8th

C. F. Taylor & M. C. Young Committee for Ruth Young

C. F. Taylor & al. Committee of Ruth Young Settlement of their account No. 1.

Filed Feb 16th 1888 J. R. Gibson Clerk

Confirmed May 10th 1888

Recorded Settlement No 2 in Fiduciaries book page 98

J. R. Gibson Clk

this day produced to the court a settlement and report of their account made by J. A. E. Pratt your assistant commissioner of accounts for Lee county which settlement and report having been filed in the clerk's office the time required by law and none excepted to, seen and inspected by the court is confirmed and ordered to be recorded.

A copy Teste John R. Gibson Clerk

Mr. Henry H. Young Est

188¹ To **L. T. CECIL** Treasurer of **LEE** County, Dr.

	STATE TAX, 50 cents on the $100.		County Levy, 30 cents on the $100.		County School Tax 10 cents on $100.		District School Tax 10 cents on $100.		TOTAL AMOUNT OF TAXES.	
To 176 Acres of Land, Value, $ 876	4	38	2	64		88		88	8	78
Property, Income, etc., $										
Capitation Tax,										
County School Tax,										
District School Tax,										
Total	4	38	2	64		88		88	8	78

Received Payment in full, L. T. Cecil Treasurer.

(11)

Mr. Henry H. Young

1882 To Z. T. Cecil, Treasurer of Lee County, Dr.

	STATE TAX, 40 cents on the $100.		County Levy, 30 cents on the $100.		County School Tax 10 cents on $100.		District School Tax 3 cents on $100.		TOTAL AMOUNT OF TAXES.	
To [illegible] Acres of Land, Value, $ [illegible]	[illegible]	57	[illegible]	63	[illegible]	84	[illegible]	27	[illegible]	28
Property, Income, etc., $										
Capitation Tax,										
County School Tax,										
District School Tax,										
Total	[illegible]	50	[illegible]	63	[illegible]	84	[illegible]	27	[illegible]	28

Received Payment in full, Z. T. Cecil Treasurer.

21

Mr. Henry H Yeary's Estate.

1883 To **M. B. WYCAL,** Treasurer of **LEE** County, Dr.

L Grant

	STATE TAX, 40 cents on the $100.		County Levy, 25 cents on the $100.		County School Tax 10 cents on $100.		District School Tax 10 cents on $100.		TOTAL AMOUNT OF TAXES.	
176 Acres of Land, Value, $876	3	50	2	19		88		88	7	45
Property, Income, etc., $ 110		44		28						72
Capitation Tax,										
County School Tax,						11				11
District School Tax,								11		11
Total	3	94	2	47		99		99	8	39

Received Payment in full, M B Wycal Treasurer.

3

1881 [illegible]

[illegible]

[illegible] Exam. [illegible] No. 40

40

[illegible]

1.4j2

$45.36

Received of C. J. Taylor acting Committeeman for Ruth Yeary widow of the late H. H. Yeary deceased, the sum of Forty-five Dollars & 36 cents my distributive share of the Estate of said Ruth Yeary in the hands of said C. J. Taylor and M. L. Yeary Committeeman for said Ruth Yeary as shown by settlement as of January 1st 1888, this ~~Eight~~ 1st day the December 1887.

Margaret S Taylor R B Taylor

7)

8

$ 45 : 35

Received of C L Taylor
acting committeemen for Ruthey
yeary Widow of the late S S
yeary deceasted the sum of
forty five dollars & 35 cents
my distributing shar of the
Estate of said Ruthey yeary
in the hands of said C L
Taylor and M J yeary
committeemen for said Ruthey
yeary as shown by
setetment as of
January 1 1888

this the 3 day of January
1888

Robert J Bailey henry J Davis
Mary E Bailey Rachel M Davis

$45:36

Received of C F Taylor ~~[illegible]~~ acting committeemen for Ruthey Yeary Widow of the late S S Yeary deceased the sum of forty five dollars & 36 Cents my distributive shar of the Estat of said Ruthey Yeary in the hands of saide C F Taylor and M L Yeary Committeemen for said Ruthey Yeary as shown by settlement as of January 1 1888 this the 1887 this November 30 day

William D. Yeary

D

$45 : 36 Received of C S Taylor
~~detiing~~ Committemen for
Ruthey yeary Widow of the
late S S yeary deceast the
Some of forty five dollars
& 36 cents of the Estate of
saide Ruthy yeary in the
hands of saide C S Taylor
M L yeary committemen
for saide Ruthey yeary
as shown by setelment
as of January the 1st 1888
this the 20 day of Deember
1887

Elizabeth N Barker

(4)

$45:36

Received of C L Taylor acting
Committymen for Ruthey yeary
Widow of the late S S
yeary deceasted the sum of
forty five dollars & 36 cents
my distributing shar of the
Estate of said Ruthey yeary
in the hands of Saide C L
Taylor and M L yeary
committimen for said Ruthey
yeary as shown by
Settelment as of
January 1 1888

January 2 day 1888

Charles L Taylor
Rachel Mt Taylor
mark

(5)

$ 45:30

Received of C L Taylor acting committemen for Ruthey Yeary Widow of the late S S Yeary deceased the sum of forty five dollars & 30 cents of the Estate of said Ruthy Yeary in the hands of said C L Taylor and M L Yeary committemen for said Ruthey Yeary as shown by setelment as of January the 1st 1888

this the 3 day of Desembor 1887

M. L. Yeary

(2)

$ 45.36

Received of C. J. Taylor acting committeemen for Ruthey Yeary widow of the late H. H. Yeary deceased the sum of forty five dollars & 36 cents my distributing share of the Estate of said Ruthey Yeary in the hands of said C. J. Taylor and W. L. Yeary Committeemen for said Ruthey Yeary as shown by settlement as of January 1st. 1888.
This the 18 day of Dec 1887

mahinday
Yeary

(1)

Mr. Henry Henry's Estate.

1883 To **M. B. WYGAL,** Treasurer of **LEE** County, Dr.

	STATE TAX, 40 cents on the $100.		County Levy, 25 cents on the $100.		County School Tax 10 cents on $100.		District School Tax 10 cents on $100.		Total Amount of Taxes.	
To ..... Acres of Land, Value, $										
Property, Income, etc., $ 130		39		52		13		13	13	130
Capitation Tax,										
County School Tax,										
District School Tax,										
Total										130

Received Payment in full, M. B. Wygal Treasurer.

Due on this
ticket $1.34 cents

Amount Due on
all three of these
tickets $5.89 cents

Mr. Henry Yeary's Estate District No. 2

1884. To M. B. WYGALL, *Treasurer of* LEE *County*, Dr

2 tracts

	State Tax, 30 cents on the $100.	State School Tax, 10 cts. on the $100.	County Levy 25 cts. on the $100.	Co. School 10 cts. on the $100.	Dist. School Tax 10 cents on $100.	TOTAL AMOUNT OF TAXES.
To 176 Acr's Land value 876	263	88	220	88	88	747
Property, Income, etc.....*						
Capitation Tax						
State School Tax						
County School Tax						
District School Tax						
Total						747

The Progressive Age Job Office, Estillville, Scott County, Va.

Mr. Wygall 37

1884

7.84
5.50
2.34

(6)

Cr by cash
$5.50 cts
Feb 11th 1885

7.84
1.36
$9.20

Due on this
Ticket $2.34 cents

Memorandom of services &c rendered By M. L. Yeary
In & for Estate of F. H. Yeary Deceased from 1881
up to February 1886

1882 flour for the widow of F. H. Yeary $2.00
Expenses paid for appointment of committee $5.00
for services rendered as committee men $4.00
for Halling wood 1½ days corn ½ day to the store 1 day $1.50
Whole Amt $15.50

Virginia Lee county to Wit
This day M. L. Yeary came before me the
undersigned a justice of the peace for the
county aforesaid and made oath that the
above account is just and true. Given
under my hand this the 10th day of February
1886 Peter Bays J. P.

[illegible]
[illegible] of [illegible]
[illegible] against [illegible]
the said Estate

£3. 0. 6
£18. 3. 6

$4.00

Received of C. J. Taylor Coinh, Four Dollars for making his settlement No 1 - Nov. 29th 1887.

J. H. Hedgpatt
Asst Quartermaster

(12)

Mr. [illegible] District No. 2

1887. To J. P. Graham, Treasurer of Lee County, Dr.

2 TRACTS.		State Tax, 30 cents on $100.		County Levy, 50 cents on $100.		County School Tax, 10 cents on $100.		District School Tax, 10 cents on $100.		State School Tax, 10 cents on $100.		TOTAL AMOUNT OF TAXES.	
To 111 acres land, value, $	10 00	3	00	5	00	1	00	1	00	1	00	1	50
Property, income, etc. .	4		40		20								
Capitation Tax, . .													
County School Tax, . .							14						
District School Tax, .									14				
State School Tax, . . .											14		21
Total, ...													

Received Payment in full, John P. Graham Treasurer.

$12.55
1.12
14
14
35
$14.53

111

Mr. Denny Heavey Estate District No. 10

1885

To M. B. WYGAL, Treasurer of Lee County, Dr.

	State Tax, 30 cts. on the $100.	County Levy, 25 cts. on the $100.	State School Tax, 10 cts. on the $100.	County School Tax, 10cts. on the $100.	Dis't. School Tax, 5 cts. on the $100.	Total Amt. of Taxes.
2 TRACTS.						
To 176 acres land value 1007	302	504	101	101	51	1059
Property, income, etc.						
Capitation Tax,						
State School Tax,						
County School Tax,						
District School Tax,						
Total,						1059
						661
						398
						418

RECEIVED PAYMENT. M. B. Wygal COUNTY TREASURER

Credit for 16 86/3
Cash by Chas J Taylor
Six dollars & sixty one cents
$6.61

6.61
4.18
10.79

(10)

Recieved of the Estate of H. H. Leary
Deceased By the hand of H. L.
Leary four Dollars & 50 cents for
halling Rails for the benefit of
the Farm of the late H. H. Leary
Dec. the 12th day of july 1884
The above halling John, Jt his × mark Boys
was Done April 1883

John T. Mary's
Rept

(58)
Mm

The Estate of Henry Geary decd.

To the clerk of Lee County court	$	Dr.
for filing & recording affidavit bill of said Geary decd. 50, fees filing will of said decedent .15, Dech .18, atto. .10, subpoening witnesses .20 and attending to same .30, copy .20, recording same .45, Laying over.		.60
		.43
		.76
		1.48
	$	3.24

James H. Orr, clerk.

Received payment by M. L. Gearson the within

J. C. Orr for J. W. Orr

Amount of accounts 2nd

$3.26
4.52
$7.74
.81

7.74
1.80
$9.54

Ruth A. Geary

1882	To M. L. Geary	Dr
Jany 1	To amt. paid J. W. Arrfe bill	$3.24
1883. Apr.	" " " L. H. Bays for recpt	4.50
	" " for flour furnished you	2.00
1882	" " paid in fees for appointment as com.	5.00
	" " for work done as Committee	4.00
	" " " Hauling wood 1/2, Com 1/2 day	4.50
Feb. 1886	Interest on two first items	$23.24
		1.85
		$25.09

Received of C. J. Taylor the above amount in full this Jany 1st 1887.

M. L. Geary

M. L. Geary
acct
$25.09

Jan 1st 88

(9)

Mr. Henry Flowers Estate District No. 2

1885. To M. B. WYGAL, Treasurer of Lee County, Dr.

		State Tax, 30 cts. on the $100.	County Levy, ~~25~~ 30 cts. on the $100.	State School Tax, 10 cts. on the $100.	County School Tax, 10cts. on the $100.	Dis't. School Tax, 10cts. on the $100.	Total Am't. of Taxes.
2 TRACTS.							
To 176 acres land value	1007	302	302	101	101	101	907
Property, income, etc. . . .							
Capitation Tax, ...							
State School Tax, ...							
County School Tax, ...							
District School Tax, ...							907
Total, ...							907

RECEIVED PAYMENT. C. A. Blackburn Dep. COUNTY TREASURER.

or on the within Dar
by Charles J Daylor
by mark Pinchon
his

(8)

1882	Ruth W. Yeary	
	To her Committee and C. F. Taylor	Dr
Sept 6	To amt. paid for shoes	$1.42
	" " " Domestic	.60
	" " " Two Undervests	.20
	" " to the Church	1.00
	" " " for Tea, 1 lb. Sugar & rice 25c.	1.25
Decr. 17	" " " John Grub for making rails	5.35
	" " " for Twill binding	2.50
	Total to January 1883.	$13.87
	" Interest to Jany. 1884	.77
		$13.64
1885	To amt. paid for window glass & nails	$1.00
January	" " " " boards & shingles	1.50
		$2.50

Sworn to before me Nov. 29th 1887
J. Hibbitt J.P.

4

(7)

Charles L. Taylor Committee for Ruth Geary and Administrator of the Estate of said Ruth Geary To the Creditors and distributees of said Ruth Geary. Dr.

1889					
Jany 1st	To this sum received rents for Year 1888			$50.	00
	By " " paid Taxes for Year 1888	12.	60		
	" 5% Com on $12.60 disbursed	1.	26		
	" this sum in Cont. hands to square	36.	13	50.	00
1890					
Jany 3	To this sum unaccounted for last year			$36.	13
	" " " Interest thereon One Year $2.16				
	" " " Recd rent for Year 1889			50.	00
	" " " Total Estate Jany 1st 1890.			$86.	13
Jy 3	By this sum paid Land Tax for 1889	11.	60		
	" " " " Property " " "		69		
	By 10% Com on $12.22 disbursed	1.	22		
	" This sum unaccounted for Jany 1st 1890	72.	63	86.	13
1890					
Nov 1	To this sum from unaccounted for Jany 1st 1890			$72.	63
	" " " Int. thereon to Nov. 1st 1890			3.	63
	" " " accumulated Int. brought down			2.	16
	" " " Int. Sale Bill A. Apr. 20th 1890			58.	22
	" " " Int. to Nov. 1st 1890 - - -			1.	86
	" " " Total Est. from all sources.			$138.	49
	By 10% on $138.49 bal Estate	13.	84		
	" This sum paid F. R. Gibson Clerk	2.	04		
	" " " " W. S. Cromwell for coffin	16.	00		
	" " " " E. M. Russell atty	1.	00		
	" " " " F. N. Covey atty	1.	00		
	" " " " C. C. Blanchard atty	1.	00		
	Carried forward	$34.	88	$138.	49

1890					
Nov. 1	To this amount debits brought forward			$158.	49
3	By " " " credits " "	$34	83		
4	" " " " paid J. M. Morgan & Co	2.	50		
5	" " " " to be for recording this settlement	1.	92	39.	30
6	Bal for distribution - -			$97.	19
7	To this amount found on hands from estate			18.	17
8	" " " Total Estate for distribution			$115.	36
9	By this amount paid John E. Leary distributive share	$5.	36		
10	" " " " R. B. Taylor wife "	10	00		
11	" " " " M. E. L. Leary "	10	00		
12	" " " " S. L. Bridgewater Elizabeth Butler for	10.	00		
13	" " " " Same for Wm. D. Leary	10.	00		
14	" " " " R. J. Bailey wife "	5	00		
15	" " " " H. J. Davis wife "	5	00		
16	" " " " C. D. Cooney "	3	75		
17	" " " " H. N. Cooney "	3	75		
18	" " " " R. B. Smith "	2	50		
19	" " " retained as distributive share	10.	00	$115.	36
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
32					

Co. of Taylor County Court
of Ritter Mean
Settlement of his
account filed.

We Wm. Day D. M. Lucas and E. M. Russell having been appointed by an order of court for the purpose of appraising the estate of Ruthy Geary Decd have met in pursuance of said order and do appraise her property as follows

One cow	$12.00
One wagon	5.00
Eleven chairs	1.50
One side saddle	2.00
One chist	25
One lot of castings	3 00
Two brass kettles	2.50
Reel and other tricks	1.00
Two bed steads	2.00
One bed and bed clothing	10.00
One cupboard and chist	3 00
One lot of Books and Picture fraim	50
One little table	1.00
One Press and lot of dishes	5 00
One clock	1.50
One barrell and other tricks	25
One hackle &c	50
One table.	2.00

Virginia Lee County to wit
We Wm Day & M Lucas and E M Russell
three appraisers of the property of the late
Ruthy Yearry Decd having been duly
sworn do certify that we have appraised
her property at its fair cash valuation
to the best of our ability

Wm Day
E. M. Russell
J M Lucas

Virginia Lee County court Clerk's office May 5th 1897
The foregoing allotment bill of the personal property
of Ruthy Yearry decd was this day filed in this office
and having been approved by the court of account is
certified to record. Teste J. M. Taylor Clerk

Ruthy Yearry decd.
Allotment Bill.

Examined & found
correct from rec.
May 5th 1897
J. M. Taylor Clerk
By [illegible]

Recorded Vol Book
Page 23
J. M. Taylor Clerk

Examined July 20th 1899

Filed May 5th

1 [illegible]

Sale Bill of the Stock of

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

3 page			£	den
Lt Surgin	1 Bassbelle			64
Iggy Taylor	1 Brassbelle		1	75
Peter Begs	1 Spread C			15
Geo Porter	1 Tal chairs			60
Lance Jones	" "			50
Rutherg Begs	" "			05
C 1 Taylor	" "			05
C L Taylor	1 Bed blank		1	15
Cor Sergent	1 " " "			90
Lance Jones	1 Corporal		1	15
C L Jones	1 Band		1	10
C L Taylor	1 Clean			5
Lance C Little	1 Bed			65
C L Taylor	"			15
Corp Sergent	1 Bed tick			45
Peter Begs	1 Bed quilt		1	10
Lance C Little	1 " "		1	55
C 1 Taylor	1 Bed blanket		1	00
C L Taylor	1 Counter Pane		1	35
C L Taylor	2 Cocks Sack		1	10
Lance Jones	1 Coverlet			35
Henry Buckhart	1 Sacking bed		1	35
			19	70

3 Page		£	den
	1 Pr	1	50
	2 Pr	1	60
	2 P		27
Lt Surgin	1 Bed		
Lance Corp	1 Bed blanket		60
Peter Begs	1 Chest		20
Sgt Major	1 Lt Lishstain		37
Geo Sergent	1 Lt Lishes		37
All 1 Corp	1 Pair Leather Paid		10
Lance Corp	1 Lance Jones		10
Lt Surgin	1 Lifeher		15
C L Taylor	1 Sharpen Bed		5
Lt Surgin	1 Flask		10
Henry Buckhart	1 Tea Pot		1
Lance Corp	1 Cream Pots		1
Lt Surgin	1 Lt Jones		15
Lance Corp	1 Bucket		15
Henry Buckhart	1 Tess		2
Rutherg Begs	1 Water proof		11
Sergt Jones	1 Knife		5
Lt Surgin	1 Sa	1	2
Lance Sergent	1 Clock	1	15
Elisha Bigs	1 Lots Rock		10
Corp Berg	1 Table	2	5
		12	2

(8)

40. 21½

8.05. 21½

Virginia: In the County Court Clerk's Office
May 7 - 1889. The annexed deed of
[illegible] property & [illegible] Creek Lands
into the day admitted in this office and
admitted to record.

Teste: [illegible]

Isaac May Tax 79

Examined [illegible]

Inventory of rents ~~received~~ received as Committee for Ruth Geary for the years 1888 & 9.

To Rents for year 1888 (less improvements) $50.00
" " " " 1889 " " 50.00
$100.00

Charles L. Taylor
Committee for
Ruth Geary.

Stamps.

Inventory
(B)

Mr. Geaorge Henry's (Est) District No. 2

1888. To J. P. Graham, Treasurer of Lee County, Dr.

2 TRACTS.		State Tax, 30 cents on $100.		County Levy, 50 cents on $100.		County School Tax, 10 cents on $100.		District School Tax, 10 cents on $100.		State School Tax, 10 cents on $100.		Road Tax.		TOTAL AMOUNT OF TAXES.	
To 176 acres land, value, $	1007	3	02	5	04	1	01	1	01	1	01	1	52	12	61
Property, income, etc. .															
Capitation Tax, . .															
County School Tax, . .															
District School Tax, .															
State School Tax, . . .															
Total, ...															

Received Payment in full John P. Graham, Treasurer. 12 61

12.61
8 96
£1 5 7

MR. Geary Henry (est) District No. 2

1889. TO J. P. GRAHAM, TREASURER OF LEE COUNTY, VA. DR.

2 TRACTS.		State Tax 30 cents on the $100.		State School Tax, 10 cents on the $100.		Co. School Tax, 10 cents on the $100.		Dist. School tax 10 cents on the $100.		Road Tax, 15 cents on the $100.		County Levy 40 cents on the $100.		TOTAL AMOUNT OF TAXES.	
To 176 acres land, val.	$1007	3	02	1	01	1	01	1	01	1	51	4	04	11	60
Property, income, etc.															
Capitation Tax . . .															
County School Tax, .															
District School Tax, .															
State School Tax, . .															
Total, . . .														11	60

VIRGINIAN PRINT. WARRENTON, VA.

Received Payment in full, John P. Graham Treasurer.

1007
115
5035
1007
1007
11.68

(2)

1160
68
$ 12.28 Geanys & Estate

MR. Geary Henry's (Est) District No. 2

1889. TO J. P. GRAHAM, TREASURER OF LEE COUNTY, VA. DR.

TRACTS.		State Tax 30 cents on the $100.		State School Tax, 10 cents on the $100.		Co. School Tax, 10 cents on the $100.		Dist. School tax 10 cents on the $100.		Road Tax, 15 cents on the $100.		County Levy 40 cents on the $100.		TOTAL AMOUNT OF TAXES.	
To ____ acres land, val. $															
Property, income, etc.	60		18								9		24		51
Capitation Tax . . .			00												00
County School Tax, .					6										6
District School Tax, .							6								6
State School Tax, . .									6						6
Total, . . .															69

VIRGINIAN PRINT, WARRENTON, VA.

Received Payment in full, John P. Graham *Treasurer.*

(3)

1881 C. C. Taylor — Mr. Library commission [illegible]

To Check for Lee & Brent [illegible]

Feb Fishing Freeman's settlement [illegible]

Paid C. C. Taylor [illegible]

G. V. Taylor
vs
M. E. Yancey
Def
(14)

Recd of C J Taylor Admr. of Ruth Geary decd Eight Dollars in part pay for Coffin for said Geary May 7/89

W. S. Crowell

(5)

Received of C. V. Taylor admr of Ruthy
yearry Decd $1.00 for my service as an
appraiser of the estate of the said Ruthy
Yearry and for clerking for the same
this 8th day of May 1889 E. M. Russell

(6)

Henry. McConey

Received of C F Taylor one dollar for repairing one clock belonging to the estate of Kathey Gray Deceased this the 20 day of April 1899 C F Taylor administrator of said estate

Received of, C, J, Taylor Administrator of Ruthy Yeary Deceased one Dollar my fee for crying off & selling the Estate of said Ruthy Yeary Deceased this the 20th day of April 1889

C. C. Blankenship

8

Recieved of

C. G. Taylor administr.
two dollars & fifty cts
for good for the benefit
of Ruthey yearby decea.

B. M. Morgan
A. J. Myers

this the 29 day of Aug 1859
subscribed to me before me a
Justice for the County
A L Taylor J P

Filed in Jefferson Co Ala

120
70
50

All Available Text Successfully Captured

I Henry R. Terry considering the uncertainty of this mortal life & being of sound mind & memory do make & publish this my last will & testament in manner & form following to wit:

First I direct that my debts be paid out of my estate, all my land, tenements & all my personal property of every description including my negroes to the following wives; namely I devise & bequeath unto my beloved wife Nancy A. Terry & Mary E. Terry when they shall arrive to the age of 21 years, or at the time of their marriage and equal portion with those we have left.

Secondly I devise that my daughter Melissa R. Terry & my heirs be given to equal share with the above mentioned children.

Thirdly It is my desire that my son William O. Terry shall be made equal with the others in portion with the exception of a horse which he has already received. Fourth I desire that my friend Benjamin F. McKee of Ky shall have with the family the best detailing, management & education of property with such of my children.

Lastly I do my respected wife my Children Elizabeth M. Rachel Matilda, William Perry, Taylor Marshall, Taylor Allen R. Terry, Mary A. Terry & Nancy E. Terry receive each to hold Relinquish the fee. I Nancy make my just father as I have already received that amount for of Estate my wife & children during to life or rather to

[illegible] to [illegible] be able to give full proof of the aforementioned facts, it may please the [illegible] may require [illegible] the ability of the [illegible] [illegible] to my office [illegible] I have [illegible] the [illegible] [illegible] [illegible]

John R. Gibson
Clk.

A

Commissioners Office
February 11th 1890.

Pursuant to notice we the undersigned parties met and agree to the following things, First that all of the heirs of Henry H. Yeary decd have received an equal portion of personal Estate not considering the rents nor the legacy of 200$ spoken of in the will, ~~Second~~ That the only amounts paid if anything on the Legacies have been paid by Chas. T. Taylor as Committee of Ruth Yeary - which is shown by his settlement as such Committee,

Third And that the Land is susceptible of being partitioned and each parties interest laid off to him, including such amounts as are still due on the Legacies. Given under our hands this Febry 11th 1890

Mr. L. Yeary, says he does not admit that Taylor paid to the other parties.

Charles T. Taylor
Margret S. Taylor
R. G. Bayley
H. M. Conrey
Charles T. Conrey
J. L. Davis

Chas. J. Taylor
vs } Agreement
M. L. F. Geary

"X 2"

This deed this 30th day of Nov. 1887. Between Benjamin W. Barker and Elizabeth Barker his wife of the first part and Marquis L. Geary of the second part, all of the county of Lee State of Virginia Witnesseth that in consideration of the sum of Three hundred dollars in hand paid the receipt of which is hereby acknowledged. the said B. W. Barker and Elizabeth Barker his wife do by these presents give grant bargain sell deliver and convey unto the said Marquis L. Geary all their undivided right title and interest in the real ~~and personal~~ estate of the late Henry F. Geary decd, lying and being in said county of Lee and on Stoning creek about seven Miles west or north west of Jonesville, the same being all their undivided interest in the real ~~and personal~~ estate of said Henry F. Geary decd, which they acquired by his last will and testament or otherwise, whether such interest is present or future or absolute or contingent, To have and to hold the same with all the appurtenances unto the said Marquis L. Geary and his heirs forever. And the said Barker and wife covenant that they will warrant generally the title to the undivided interest hereby conveyed

Witness the following signatures and seals.

B. W. Barker (Seal)

E. M. Barker (Seal)

Virginia Lee County to wit.

I Peter Bays a Notary Public do certify that B. W. Barker and Elizabeth Barker his wife whose names are signed to the foregoing writing bearing date Nov 30 1887. each personally appeared before me in the county aforesaid

and acknowledged said writing to be their joint act & deed,
and Elizabeth Barker wife of said B.W. Barker being examined
by me privily and apart from her said husband, and
having the writing aforesaid fully explained to her, declared
that she had willingly signed and executed the same and
does not wish to retract it.

Given under my hand and seal this 16 day of March 1888

Peter Bays Notary Public

Virginia [illegible] county, and [illegible] office for 10th 1881

[illegible]

[illegible]

[illegible]

55

Marquis L. Geary

From } Deed

B. H. Barber & wife

Recorded in Deed Book

Number 34 Page 117.

John R. Gibson Clerk.

Examined

1

Tax $.75

Ck 1.25

$1.75

Virginia Lee county To Wit

I Peter Bays a Notary Public do certify that William, F, Geary and Mary Ann Geary his wife, whose names are signed to the foregoing within writing bearing date December the 16th 1887 each appeared personally before me in the county aforesaid and acknowledged said writing to be their joint act and Deed and Mary Ann Geary wife of said William F, Geary being examined by me separate privately and apart from her said husband and having the writing aforesaid fully explained to her Declared that she had willingly signed and executed the same & does not wish to retract it Given under my hand and seal this the 13th day of February 1888

Peter Bays N P

Virginia Lee co. ct, clk's Office June 1st 1891
The foregoing Certificate having del— Cases 1 & 1
[illegible]
Mr. [illegible] of the one part on the [illegible]
[illegible] the 5th June [illegible] the foregoing
Certificate.

This Deed This 1st day of December 1887 between William D Yeary and Mary Ann Yeary his wife of the first part, & Marquis L, Yeary of the second part all of the county of Lee & state of Virginia Witnesseth That in consideration of the sum of three hundred dollars in hand paid or secured by note The receipt of which is hereby acknowledged the said William, D Yeary & Mary Ann Yeary his wife do by these presents give grant bargain sell deliver & convey unto the said Marquis L, Yeary all their undivided right title and interest in the real estate of the late Henry, H, Yeary Deceased lying & being in the said county of Lee and on Trading creek about seven miles west or northwest of Jonesville the same being all their undivided interest in the real Estate of said H H, Yeary Dec which they acquired by his last will & testament or otherwise whether such interest is present or future absolute or contingent to have & to hold the same with all the appurtenances unto the said Marquis L Yeary & his heirs forever and the said William, D, Yeary & wife covenant that they will warrant Generally the title to the undivided interest hereby conveyed Witness the following signatures and seals

William D his × mark Yeary (Seal)

Mary Ann her × mark Yeary (Seal)

(2)

Marquis L. Yeary
From J. Deed

Wm. D. Yeary & wife

Examined

This Deed this the 12th day of March 1889 between John R. Yeary and Emily Yeary his wife of the first part and Marquis L. Yeary of the second part all of the county of Lee and state of virginia Witnesseth That the said John R. Yeary and Emily Yeary his wife in consideration of the sum of Two hundred Dollars to them in hand paid the receipt of which is hereby ackowledged or secured to be paid by note the said John R Yeary & Emily Yeary his wife do by these presents give grant bargain sell deliver and convey unto the said Marquis L. Yeary all their undivided right title and interest in the real and personal estate of the late Henry H. Yeary Deceased lying and being in said county of Lee on Trading Creek about seven miles west or Northwest of Jonesville the same being all their undivided interest in the real and personal Estate of the said Henry H. Yeary decd which they acquired by his last will and Testament or otherwise whether such interest is present or future absolute or contingent to have and to hold the same with all the appurtenances unto the said Marquis L. Yeary and his heirs forever and the said John R Yeary and wife Covenant that they will warrant generally the title to the undivided interest hereby conveyed Witness the following signatures and seals

John R. Yeary (Seal)

Emily Yeary (Seal)

Virginia Lee county To Wit

I Peter Bays a Notary Public for Lee county in virginia Do certify that John R, Yeary and Emily Yeary his wife whose names are signed to the foregoing Deed within bearing date the 12th day of March 1889 acknowledged the same before me in my county aforesaid Given Under my hand the 29th day of May 1889

Peter Bays, N. P.

M. L. Young
From | Deed
John R. Lezy & wife

29

This deed made this 22nd day of March 1889 Between Rosa B Smith widow of Jonathan L Smith decd. of the first part and Marquis L. Geary of the second part both of the County of Lee State of Virginia: Witnesseth that in consideration of an exchange of lands. the said Rosa B. Smith doth by these presents give grant bargain sell deliver and convey unto said Marquis L. Geary all her undivided right title and interest in that tract of land lying and being in said county of Lee owned by H H Geary at the time of his death. and the interest hereby conveyed being one fourth of one undivided eighth part thereof and the same being that interest which descended to her from her grandmother Melinda Gray decd. who was a daughter of said H H Geary decd, and the said Rosa B Smith doth further bargain sell and convey to said M L. Geary her dower right and interest in or and to one other undivided eighth part of said H H Geary farm the same being that one eighth part owned by Jonathan L. Smith at his death and now owned by his three minor children, and this entire conveyance is made subject to the life estate therein of Ruth Geary widow of said H H. Geary. decd To have and to hold said interests hereby conveyed subject to said life estate. with all the appurtenances unto the said M L. Geary and his heirs forever And the said Rosa B. Smith covenants that she will warrant generally the title to the interests hereby conveyed

Witness the following signature & seal

Rosa B Smith (seal)

Virginia Lee County to wit.

I Edward M Russell a justice of the peace in and for the county and state aforesaid, do certify that Rosa B. Smith

whose name is signed to the foregoing writing bearing date March the 22nd 1889 has acknowledged the same before me in the said county to be her act and deed

Given under my hand this 26th day of March 1889.

E. M. Russell J.P.

Margaret L. Geary

From } Deed

Rosa B. Smith

No.

This deed made the 23rd day of April 1889 between John M Morgan commissioner as herein after stated of the first part, and Marquis L. Geary of the second part, both of the county of Lee state of Virginia; Witnesseth that by a decree of the Circuit Court of Lee County rendered on the 2nd day of April 1889, in the chancery cause therein pending, of George W. Smith Guardian &c. Plaintiff and Napoleon B. Smith & others defendants the said John M Morgan was appointed a commissioner and directed to convey to said M L. Geary all the interest right and title of the said Napoleon B Smith Leonard L. Smith, and Ulysses G. Smith in and to what is known as the Old H H. Geary farm the same being one undivided eighth part thereof: In consideration of the premises and of One dollar in hand paid the receipt of which is hereby acknowledged, the said John M Morgan as such commissioner doth by these presents give grant bargain sell, and deliver unto the said M L. Geary all the undivided right title and interest of the said Napoleon B. Leonard L. and Ulysses G. Smith the infant defendants in said suit in and to what is known as the Old H H Geary farm supposed to contain 150 or 160 acres lying and being in said county of Lee and on the head waters of Trading creek To have and to hold the said undivided interest with all the appurtenances unto the said M L. Geary and his heirs forever and the said John M Morgan covenants that he will warrant only specially the interest hereby conveyed: Witness the following signature & seal

Jon M. Morgan (seal)

Virginia Lee County to wit

I John R Gibson Clerk of the County Court of Lee County in the state aforesaid do certify that John M Morgan whose name is signed to the foregoing writing bearing date April 23rd 1889, personally appeared before me in my office and acknowledged

Marquis L. Geary

From } Deed

John M. Morgan Bank

Recorded in Deed book

Number 21 Page 132

John E. Wilson Clerk

(J. M. M.)

Deed writing to be his act and deed, the day and year first
Given under my hand and the seal of office this 1st day of July 1899.

Robert C. Lindsay Clerk

This Deed made on this the Second day of July 1881 between Robert T. Bailey and Mary E. Bailey his wife and Henry J. Davis and Rachel H. Davis his wife of the one part and Jonathan L. Smith of the other part all of Lee County Virginia witnesseth that for and in Consideration of the Sum of two hundred dollars part of which is paid and part of which is to be paid the Said Robert T. Bailey and Mary E. Bailey his wife and Henry J. Davis and Rachel H. Davis his wife have this day Granted Bargained and Sold and hereby Convey to the Said Jonathan L. Smith all their undivided right title and interest in and to the real estate lately belonging to Henry Yeary deceased which lies on the waters of Indian Creek about Seven or eight miles west of Jonesville in Lee County Virginia the Said Mary E. Bailey and Rachel H. Davis being the children of Henry M. Yeary deceased who was a Son of Said Henry Yeary deceased who died Seized and Possessed of the Said land and the Share that would have descended to Said Henry M. Yeary had he been living descended to the Said Mary E. Bailey and Rachel H. Davis and which is the undivided eighth part of Said lands which they hereby bounded

Surveyed and Conveyed and this Conveyance is to include all the Said Mary E. Bailey and Rachel H. Davis's legal and equitable right to the land owned by the Said Henry Yeary deceased at the time of his death. And the Said Parties of the first part hereby reserve and retain a vendor's equitable lien on the Share of land hereby Conveyed for the balance of the purchase money and interest thereon. And the parties of the first part Severally warrant generally the right and title to the land hereby Conveyed against the Claims of all persons whatever. Witness the following Signatures and Seals.

Robert T. Bailey (Seal)
Mary E. Bailey (Seal)
Henry J. Davis (Seal)
Rachel H. Davis (Seal)

Virginia Lee County to wit

I Caleb Harris a justice of the Peace for the County aforesaid in the State of Virginia do Certify that Robert T. Bailey and Henry J. Davis whose names is Signed to the writing above bearing date on the Second day of July 1881 has acknowledged the Same before me in my

County aforesaid given under my hand this the 25th day of January 1882.

Caleb Harris J. P.

Virginia Lee County to wit. We Caleb Harris and N. M. Scott, justices of the peace for the County aforesaid in the State of Virginia do certify that Mary E. Bailey wife of Robert J. Bailey and Rachel M. Davis wife of Henry J. Davis whose names is signed to the writing above bearing date on the second day of July 1881 personally appeared before us in the County aforesaid and being examined by us privily and apart from there husbands and having the writing aforesaid fully explained to them they the said Mary E. Bailey and Rachel M. Davis acknowledged the ~~claim~~ said writing to be there act and declaired that they had willingly executed the same and does not wish to retract it. Given under our hands this the 25th day of January 1882.

Caleb Harris J. P.

N. M. Scott J. P.

Virginia Lee County Court Clerks office Dec the 20 1884

The foregoing deed bearing date 2nd day of July 1881 between Robert J. Bailey & wife and Henry J. Davis & wife of the one part, and Jonathan L. Smith of the other part, all of Lee County Virginia was this day filed in this office and admitted to record upon the certificates of Caleb Harris & N. M. Scott two justices of the peace for Lee County Virginia

Teste John R. Gibson Clerk

(4)

Jonathan L. Smith
to
John Reed
Robert J. Bailey wife &
Henry J. Davis wife
Recorded in Deed Book
No 2 Pg 34.
J. R. Gibson Clerk

F. 50
C. 1.35
4.50 Paid

4

Fil Dec 29th 86

Henry H Yeary

1 Elizabeth Barker -
2 John R. Yeary -
3 - Peggy Taylor wife of Rubin
4 Rachel Taylor " " Charles
5 Wm. D. Yeary
6 Henry M Yeary who died leaving Mary Barley wife of Robert J. Barley, & Rachel Davis wife of Henry Davis
7 Malinda Yeary who first married one McKee, had one child by him Francis who married & had one child Rosa, who married J. L. Smith - afterwards Malinda, married one Lowry and had three children to wit Noble, Polley and Charles D. Lowry -
8 Wm D L Yeary

Henry H Yeary
Died Jany. 1881

W. D. L Yeary purchased the Real Est of Elizabeth Barker and the Real & personal of John R. Yeary - the Real Estate of W. D. Yeary - the Real Est of Mary Barley & Rachel Davis and the Real Est of Rosa Smith

Margaretta Taylor wife of Rubin Taylor full

Rachel Taylor wife of Chas J. Taylor full

N. Noble Lowry, Mary E. Bailey and Chas D Lowry own 3/4 of 1/4 full int -

Rutha Yeary died March 20th 1869.

$\frac{21}{9}$
$\frac{4}{3}$
$\frac{32}{32}$

W D L Yeary has $\frac{5}{8}$ $\frac{20}{32} + \frac{1}{32} = \frac{21}{32}$
R. Taylor $\frac{1}{8}$ or
Chas " " $\frac{1}{8}$ "
Lowry heirs

Memo

33 . 09
8

2359
6618
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24) 6944.89 (21.7
64

49
42

72
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C. J. Taylor et al
against
M. L. Yeary et als.

Comm. — in this case will please make a Statement showing the entire amount in the hands, and that came to the hands, of Taylor Committee, and applying the same to the 60 ors - legacies and then showing what bal will remain due on the legacies and to whom due; and in presenting this view the Court will treat M. L. Yeary as the owner of all the legacies claimed by him, under his purchases and entitled to so much of the fund in Taylors hands in this view as his purchases will thus show him the owner of; and will then make a Statement distributing the entire fund thus found in Taylors hands that accumulated before the widows death, to the several heirs on the legacies; and then show the bal due on said legacies and to whom due, giving to Yeary the bal on the legacies held by him, and then add the fund in Taylors hands accumulated since the widow's death, to these balances, and show the residue yet due on legacies and to whom.

Then prepare another statement giving to each heir his share of the rents & profits of the land and the bal on his legacy at the time of his sale to Yeary, ~~on his legacy~~ and the bal to Yeary under his purchases.

James W. Overby Dft

0

Memo.

Virginia:

In the Clerk's Office of the Circuit Court for Lee County, July 2nd 1884.

Charles Taylor et al Plffs
vs. } In Chy
M. D. L. H. Yeary et al Defts

The object of this suit is to have an account of advancements made by Henry Yeary in his life time to his various heirs, taken; to have the legacies paid to those set out in said Yeary's will, and to equalize all the heirs with John R. Yeary; and to have partition of the residue of the real estate mentioned in said bill, among those entitled thereto, and it appearing from an affidavit filed in this cause that the defendant Benjamin F. McRee is a non resident of this State, It is therefore ordered that he appear here within fifteen days after due publication of this order and do what may be necessary to protect his interest in this suit.

A. A. Pridemore P.Q. A Copy Teste. J. A. G. Pratt, clerk

Sunday Evening
Jan 3 Order Pub

W. D. L. Dean

Certify that I delivered
a copy of the order of the
"Republican Party"
pursuant to publication
to, and posted
a copy thereof
on front door of
sec. 4. on the first
day of the Term
next of Countrowns
Court

[illegible]

The Commissioners C. C. Elliott
E. S. Woodward and T. P. Wynn
appointed to divide the Land
of Henry Henry and
will lay off and assign

M. L. Henry 4 1/4 Equal shares
Same 1 Share (That of
John R. Henry) less in value
190$ than the other shares

5 1/4
1
1 3/4
8 Shares

Rubin Taylor wife one Equal share.

C. F. Taylor wife one Equal share.

The Coney heirs 3/4 of an equal share.

J. A. Hitchcott Clerk
to Commr.

Oct 8th 1890.

190 00
4 | 57 00
14 50

8 | 192 00
23 50

190 00
1 4 | 95 00
47 50
5 73 1/4
41 5 6 1/4

190 00
23 75
4 | 166 25
41 5 6 1/4

For
C. C. Elliott

Virginia

In a Circuit Court Continued and held for Lee County at the Court House thereof September 5th 1890.

C. L. Taylor & wife et al Plffs
against
N. D. L. Dean et al Defts } Partition

And C. C. Elliott C. S. Woodward and [illegible] Myers are appointed Commissioners, whose duty it is to partition the land in the bill mentioned having due regard to water ways timber and convenience assigning to each his land adjoining any he may own if the same can be done without prejudice to other [illegible] and until the coming in of said report this cause is continued

A Copy
Teste J. F. L. Hyatt

Part owned by

N. D. L. Dean	2/32	32/32
C. L. Taylor & wife	4/32	
Rubin Taylor & wife	4/32	
L. D. Lequey	3/32	
E. M. Cooper	4/32	
Wm E. Baker	4/32	

From
C. C. Elliott

To M. D. L Geary,

Sir: Whereas on the 4th day of Dec. 1890 there was rendered a decree in our, the undersigned, favor for various sums as therein stated, and whereas the said court also pronounced in our favor as to the costs of said suit - but by clerical error word "defendant" was so written as to recover costs.

You will therefore take notice that on the 5th day of the next term of the circuit court of Lee County, Virginia, I will move said court to correct said errors in said decree and to properly tax its costs of said cause in accordance with said former decision & the right of the case & for the costs of this motion.

March 12, 1891 -

Charles Taylor & wife & others.

Charles Taylor vs et al

Notice

M. D. L. Geary

Executed by delivering a copy of the within notice to M. D. L. Geary March 28th 1899

E. H. Kincaid Deputy for

A. B. Munsey

S. L. C.

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon M. D. L. F. Yeary John R. Yeary, Benj. F. McKee and Reese D. Flannary Sheriff and Administrator of the Estate of Henry Yeary, deceased

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in June next, being rule day to answer a bill in Chancery exhibited in our said Court against Them by Chas. Taylor & Rebecca Taylor his wife Elizabeth Barker, Rubin Taylor & Margret Taylor his wife, Wm. D. Yeary Robert J. Bailey & Mary E. Bailey, his wife, Henry L. Davis & Rachel M. Davis his wife, Noble Cooey, Chas. D. Cooey, Wm. Bales & Polly Bales his wife

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This 15 day of May 1887, in the 113 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

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(9)

Chas. Taylor et al

vs

Spain Chcy

M. D. L. F. Yeamyotal

To 1st June Rules 1889.

~~Executed~~
~~E. B. Bishop Dep~~
~~for R. D. Flanary~~
~~S. L. C.~~

Executed by
delivering office
copies of the written
to M. L. Yeamy
John R. Yeamy &
R. D. Flanary
E. B. Bishop Dep
for R. D. Flanary
S. L. C.
June 3rd, 1889

VIRGINIA: In the clerks office of the Circuit Court for Lee County, July 2, 1889.

Charles Taylor *et al* Plff's.
vs.
M. D. L. F. Yeary *et al* Defts } In Ch'cy.

The object of this suit is to have an account of advancements made by Henry Yeary in his life time to his various heirs, taken; to have the legacies paid to those set out in said Yeary's will, and to equalize all the heirs with John R. Yeary; and to have partition of the residue of the real estate, mentioned in said bill, among those entitled thereto.

And it appearing from an affidavit filed in this cause that the defendant Benjamin F. McKee is a non resident of this state. It is therefore ordered that he appear here within fifteen days after due publication of this order and do what may be necessary to protect his interest in this suit.

A copy—Teste:

J. A. G. HYATT, Clerk.

A. L. PRIDEMORE, P. Q. 1 4w

I, Geo. M. Blankenship, Pub. & Manager Lee Co. Republican, a newspaper published in the Town of Jonesville, & County of Lee, do certify that the foregoing Order of Publication was duly published in the above named paper for four successive weeks ending August 8th, 1889.

Geo. M. Blankenship,
Pub & Mag'r. Lee Co. Republican.

Charley Taylor

vs } Pub. certif.

M. D. L. Yeary

Filed Aug. 16th 1889

J. H. Lippitt Clk

Pub. fee 5.00

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5
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